UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/1990/5/Add.46
21 August 2000

Original: ENGLISH

Substantive session of 2001

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

CROATIA*, **

[4 July 2000]

---

* The information submitted by Croatia in accordance with the guidelines concerning the initial part of reports of State parties is contained in the core document (HRI/CORE/1/Add.32/Rev.1).

** The annexes to the present report are available from the Committee's secretariat.

GE.00-44136(EXT)

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	3
Article 1	4 - 10	3
Article 2	11 - 39	4
Article 3	40	8
Article 4	41 - 44	8
Article 5	45 - 47	10
Article 6	48 - 106	10
Article 7	107 - 148	20
Article 8	149 - 176	26
Article 9	177 - 229	29
Article 10	230 - 307	41
Article 11	308 - 352	51
Article 12	353 - 406	59
Article 13	407 - 419	72
Article 15	420 - 443	75
Annex. Article 9: Pension insurance system of Croatia		79

Introduction

1. In line with the obligation assumed with respect to articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights of 1966, the Republic of Croatia is submitting its initial report concerning the implementation of the provisions of the Covenant.

2. The report being submitted has been prepared in accordance with the revised general guidelines concerning the form and content of reports submitted according to articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights adopted by the Committee for Economic, Social and Cultural Rights of 1990, contained in document E/C.12/1991/1 of 17 June 1991.

3. The report contains a review of the implementation of obligations with respect to individual members of the International Covenant on Economic, Social and Cultural Rights. For more detailed information about the political structure and the basic premises of the legal system of the Republic of Croatia, it is necessary to consult the core document of the Republic of Croatia (HRI/CORE/1/Add.32 and Rev.1).

Article 1

4. After the holding of the first multiparty elections in the Republic of Croatia on 22 April 1990, the Republic of Croatia began the process of transforming its political system in the direction of attaining a system characterized by parliamentary democracy and a market economy. At the same time, together with some of the other republics that made up the then Socialist Federative Republic of Yugoslavia, Croatia sought the establishment of equal relationships within the then Federation.

5. After an unsuccessful close to the negotiations of presidents of the former Yugoslav republics about the future organization of the federation, or rather a confederation, it was resolved that in each republic a referendum should be held on whether to stay in the federation or not, at a meeting held in Ohrid on 19 April 1991. In the Republic of Croatia this referendum was held in May 1991, 94% of those voting opting for an independent and sovereign Republic of Croatia. As a result, the State Parliament of the Republic of Croatia, using its right to self-determination as contained in the Constitution of the Socialist Federative Republic of Yugoslavia of 1974, made a declaration of the independence and sovereignty of the Republic of Croatia on 25 June 1991 (*Official Gazette* No. 31/91), in which the Republic of Croatia dissolved all legal and constitutional bonds with the Socialist Federative Republic of Yugoslavia.

6. As a result of aggression against the Republic of Croatia and the expansion of the armed conflict in ex-Yugoslavia, the European Community organized peace talks, hoping to maintain peace in this part of Europe. At a meeting held on 27 August 1991, in Brussels, the parties agreed on a moratorium on the implementation of the independence decision to last for three months and on the organization of an International Conference on ex-Yugoslavia under the aegis of the United Nations and the European Union.

7. These negotiations closed without success, and when the period of three months had elapsed, the Constitutional Resolution concerning the Independence and Sovereignty of the Republic of Croatia came into force, on 8 October 1991, since which time the Republic of Croatia has been an independent State.

8. Realization of the right to self-determination in the economic sphere in the Republic of Croatia is guaranteed by the Constitution of the Republic of Croatia, which says that the Croatian State Parliament and the nation directly and independently decide on:

(a) The way economic, legal and political relationships in the Republic of Croatia are governed;

(b) The preservation of natural and cultural riches and the use of this wealth (Constitution, art. 2, para. 4).

This right, guaranteed in the Constitution, is regulated in more detail in the Concessions Law (*Official Gazette* No. 89/92) and the Mining Law (*Official Gazette* No. 35/95). The Concessions Law defines in greater detail the granting of concessions for the exploration and exploitation of mineral raw materials, and at the same time limits the assignment of such concessions through a temporal restriction, the principle of mutual advantage and the provision of suitable guarantees that the economic purpose of the concession will be realized in line with the interests of the Republic of Croatia (art. 1, para. 1, of the Law). This public interest is laid down by the State Parliament of the Republic of Croatia. Through these regulations of the Republic of Croatia, among other things, the right of the people freely to dispose of their natural wealth is ensured, as is the prohibition on the people being deprived of the use of their own resources for life, in line with resolution 1803 (XVII) of the General Assembly entitled "Permanent sovereignty over natural resources" of 1962.

9. As a result of the aggression against the Republic of Croatia and the occupation of almost a quarter of its territory between 1991 and 1995, free use of the natural resources of the Republic in the temporarily occupied territories was made impossible. For example, Croatian Electricity was unable to use 561.5 MW of the total of the installed 2,075 MW in hydroelectric generating stations in the following power stations: Manojlovac (21 MW), Peruča (42 MW), Dubrovnik (216 MW), Glob (6.5 MW) and Obrovac (276 MW), which were both occupied and severely damaged. Similarly, in Eastern Slavonia between 1992 and 1996, the Republic of Croatia was not able to make free use of the 600,000 tons of crude oil from the wells at Đelatovci, Privlaka and Ilača.

10. Attainment of the internal dimension of the right to self-determination is enshrined in Croatian legislation through the obligation to hold elections (Constitution, art. 1, para. 2), and through individuals' having an active and a passive franchise (Constitution, art. 45). Members of minorities (in the Republic of Croatia the official term is "ethnic and national minorities and communities") have the constitutional right to express their ethnic affiliation, the right to use their own language and script, and cultural autonomy (Constitution, art. 15), while the Constitutional Law on Human Rights and the Rights of Ethnic and National Communities or Minorities guarantees a considerable number of specific minority rights, such as the right to education in a minority language, the question of the public and private use of minority languages and scripts, media access, the participation of members of minorities in public life, the special representation of representatives of minorities in the State Parliament of the Republic of Croatia, and so on (Constitutional Law, arts. 1-21).

Article 2

11. Article 14 of the Constitution of the Republic of Croatia, in the common provisions of the chapter "Fundamental human and civil liberties and rights", says that "everyone in the Republic of Croatia shall enjoy all rights and liberties irrespective of his or her race, colour, gender, language, religion, political or other persuasion, national or social origin, property, birth, education, social position or other characteristics". In line with this provision, all the rights guaranteed by Croatian legislation and contained in the Covenant are guaranteed to all persons, without any discrimination.

12. Persons who are not Croatian citizens are guaranteed all rights guaranteed by the Covenant and deriving from work and on the basis of work under conditions equal to those enjoyed by Croatian

citizens if they are in the Republic of Croatia legally and are employed according to the rules about the employment of foreigners.

13. The Labour Law, the general regulation in the area of work, stipulates that a foreign citizen or a stateless person can enter into a labour contract under conditions prescribed by this Law and by a special law that governs the employment of such persons.

14. A special regulation that governs the employment of foreigners is the Employment of Foreigners Law, which lays down the conditions under which foreign citizens and stateless persons can work in the Republic of Croatia. Paragraphs 2 and 3 of article 1 of this Law say that a foreigner can enter into employment or work in the Republic of Croatia on the basis of a work permit, if he or she satisfies the general and specific conditions laid down in the Law. Croatians with foreign citizenship or who are stateless are not considered foreigners in the sense understood by this Law.

15. A foreigner who wishes to enter the Republic of Croatia with the intention of being employed must, according to the provisions of the Movement and Temporary Residence of Foreigners Law, seek an employment entry visa from the competent body or from a consulate or embassy of the Republic of Croatia abroad. The same has to be done by a foreign person who enters the Republic of Croatia for the purpose of education, specialization, and scientific research or to do a certain professional activity. For the issue of such visas, it is necessary to obtain the agreement of the Ministry of Internal Affairs, which, before issuing its consent, has to seek the opinion of the ministry in whose sphere of competence the activity for which the foreigner is seeking a visa falls.

16. A foreigner can also be issued a business visa to carry out business and other activities foreseen by the regulations that govern foreign investment and foreign trade operations, as can a foreigner who takes up employment undertaking certain professional and expert affairs specified in a contract about business and technical collaboration, about technology transfer and about foreign investment. This kind of business visa is issued by an embassy or a consulate of the Republic of Croatia abroad or by a competent body at the request of the foreign person, a legal person or an independent employer and on presentation of a ruling from the Ministry of Commerce, insofar as the foreign person seeks a business visa to carry out business or other activities foreseen by the regulations through which foreign investment and foreign trade operations are governed, or on presentation of a ruling from the Ministry of Labour and Social Welfare, insofar as the foreign person is seeking a business visa to be able to undertake expert and professional activities laid down in a contract about business and technical cooperation, about long-term production cooperation, about technology transfer and about foreign investment.

17. A Croatian embassy or consulate abroad informs the Ministry of Internal Affairs of the Republic of Croatia about every business visa it issues.

18. A business visa is issued with a period of validity necessary for the work for which it is issued to be done, but at most until the passport of the person expires. A foreign person who has been issued a business visa can stay in the Republic of Croatia until the expiry of the visa. The competent body will annul a business visa before the expiry date if within a year of the day of issue the foreign person does not start carrying out the business or other activities envisaged in the rules that govern foreign investment and foreign trade operations, or if in this period the person does not set up his or her own company, and if the company which he or she has set up or invested money in ceases to operate. Apart from this, the visa will be annulled earlier if the person has completed the employment contracted for in a period shorter than the period of the validity of the visa or if in a period of 30 days from his or her arrival she or he does not enter employment or if his or her employment ceases.

19. A foreign person issued with a business visa can stay in the Republic of Croatia until its expiry date. A foreigner with a business visa cannot stay in the Republic of Croatia if he or she is ordered to depart or if his residence in the Republic of Croatia is cancelled or if his business visa is annulled.

20. The Movement and Temporary Residence of Foreigners Law in article 25 says that a foreigner who wishes to stay in the Republic of Croatia longer than three months and has come because of education, specialization, scientific research, employment, or the performance of a certain professional activity is obliged before the end of this period to make an application for the issue of an extended residence approval. An approval of extended temporary residence can only be issued for the reasons for which the visa was issued.

21. A foreigner who comes because of employment is issued approval for extended temporary residence as long as the duration of his or her employment contract, but in any case not longer than two years and not longer than the validity of his or her passport. The competent body issues an extended temporary residence approval, and this approval is entered into the person's passport.

22. Approval for extended temporary residence can be extended.

23. A foreigner who has been employed uninterruptedly for three years in the Republic of Croatia can seek permanent residence. Alongside the permanent residence application, the foreign person is obliged to show that he has a permanent residence and employment.

24. Foreign students, postgraduate students and persons coming for further education and for scientific research work who stay in the Republic of Croatia longer than three months are issued a special entry visa, an opinion about the reason for which the visa should be issued being given by the Ministry of Science and Technology to the body competent for issuing the visa. Visiting professors and lectors who stay in the Republic of Croatia longer than three months also need a visa for the purpose of employment. To issue this visa, the Ministry of Internal Affairs, before giving its consent to the issue of a visa, has to obtain the opinion of the Ministry of Economy.

25. Foreign citizens who reside in the Republic of Croatia within the framework of scientific, technical or tertiary level educational collaboration for up to three months have to notify the competent body of their address, except for nationals of those States with which the Republic of Croatia still has a visa system, such people in any case need an entrance visa for both tourist and business purposes.

26. Foreign lectors are employed in tertiary-level educational institutions in the Republic of Croatia pursuant to international treaties and detailed regulations governing their implementation, in which, on the basis of reciprocity, the number of lectors, the selection process, the period for which they are employed, their remuneration and other rights are defined.

27. On the basis of a visa that has been issued and approval for temporary extended residence or of a business visa, a foreigner is issued a work permit according to the regulations that regulate the employment of foreigners.

28. According to the provisions of the Employment of Foreigners Law, the Croatian Employment Office, Central Service, Zagreb issues work permits. A work permit is issued at the request of an employer, except in cases when the work permit is issued at the request of the foreigner in person, that is, in cases in which a personal work permit can be issued. The employer, according to the place of the employer's headquarters, submits an application for a work permit for a foreigner with an explanation about the need to hire a foreigner.

29. A foreigner who has been granted permanent residence in the Republic of Croatia can be issued with a work permit for an unlimited period of time. In this case, the foreigner with an approval for permanent residence submits an application for the issue of a personal work permit.

30. A personal work permit may also be obtained by a foreigner who along with the application also submits proof from which it can be seen that in the Republic of Croatia he or she will undertake an activity envisaged by the regulations governing foreign investment and the undertaking of foreign trade operations, or that he or she will undertake professional and expert work laid down by an agreement or contract concerning business and technical collaboration, or long-term productive cooperation or technology transfer. This personal work permit is issued for the period in which the activity or expert and professional work is to be undertaken.

31. The Croatian Employment Office will make rulings on applications for the issue of work permits in line with article 4 of the Employment of Foreigners Law. A work permit is issued to a foreigner on condition that in the records of the Croatian Employment Institute Office there is no person meeting the conditions set by the employer for the employment, and in line with labour market policy of the Republic of Croatia as defined by the Government of the Republic of Croatia.

32. In the area of health insurance, the concept of an insured person is not linked to nationality, which means that an employed Croatian national and an employed foreigner are treated in the same way. Accordingly, in the Health Insurance Law there are no special provisions relating to migrant workers. Social security, to do with the accessibility of health care and other rights arising from health insurance, for example rights in the event of an injury sustained in the workplace, the use of maternity leave or sick leave specially mentioned in the text of the Convention, is the same for Croatian nationals and migrant workers.

33. Treaties about social insurance that, as well as the area of retirement benefit, also cover the region of health and unemployment insurance respect the general principle of the application of the legal regulations of the signatory State in whose territory the work of the employed person is being carried out. Treaties define an exception to this rule mainly for employees of consulates and embassies and the employees whom an employer of one foreign signatory State seconds to the territory of another foreign signatory State. Such persons, during their stay in the area of the other signatory State, remain insured according to the regulations of the State from which they were seconded.

34. Foreign students, visiting professors, lectors, scientists and post-graduate fellows who reside in the Republic of Croatia have the right to social insurance on the basis of international treaties in the area of social insurance. From this point of view, the competent establishment in the State from which the foreign person comes issues the regulation document on the basis of which the foreign national obtains the right to have health care in the Republic of Croatia. If no such international treaty in the area of social security exists, then these categories of person enjoy the right to health care by the inviting organization in the Republic of Croatia (the Ministry of Science and Technology, the tertiary education level or scientific research institution) paying the contributions for this health insurance. It is duty bound to give the Croatian Health Insurance Fund notice in good time about the arrival and departure of this category of person.

35. The retirement and disability insurance of foreigners employed in Croatia is governed by article 10, item 5, of the Retirement Insurance Law. This article says that foreign nationals and stateless persons who are employed in the Republic of Croatia have the obligatory insurance, unless otherwise governed by international treaty. Accordingly, the fact that constitutes the basis for obligatory insurance is not nationality, but employment. For the realization of rights deriving from retirement and disability insurance, only the retirement seniority acquired in Croatia is counted for these persons if the insured

has no seniority (contributions payment record) in a State with which Croatia has a social security treaty. Foreign citizens domiciled abroad are paid benefits earned in the Croatian retirement and disability insurance in the foreign country as long as there is reciprocity or a treaty.

36. Rights deriving from welfare are also ensured, according to conditions envisaged by the Social Welfare Law for Croatian citizens, to stateless persons who are permanently resident in the Republic of Croatia. Foreign nationals who are permanently resident in the Republic of Croatia are ensured those welfare rights laid down by the Law and international treaty.

37. Rights to maternity benefit are ensured under identical conditions for Croatian citizens and for foreigners who are staying in the Republic of Croatia legally, except for the right to maternity leave for unemployed mothers and for mothers who are claimants of retirement benefit.

38. In the Republic of Croatia elementary school is mandatory and free of charge for all children between the ages of 6 and 15 who have a permanent or temporary residence in the Republic of Croatia, irrespective of their nationality.

39. Secondary education, pursuant to the Law on Secondary Education, is available to all under equal conditions, in line with their abilities, in line with the Law. The right to be enrolled in secondary school is enjoyed by all children after they have finished elementary school under identical conditions, within the framework of the number determined by the enrolment decision. The Minister of Education and Sport, at the recommendation of the secondary schools, makes the enrolment decision for each school.

Article 3

40. The Republic of Croatia is a party to the Convention on the Elimination of all Forms of Discrimination against Women and in January 1998 presented an initial report to the Committee on the Elimination of Discrimination against Women. Thus, with respect to the application of this article of the Covenant we would draw attention to the report about the application of the said Convention, and of the Equal Remuneration Convention (No. 100) and of the Discrimination (Employment and Occupation) Convention (No. 111) of the International Labour Organization, to which the Republic of Croatia is also a party. We append to this report the National Policy of the Republic of Croatia for the Promotion of Equality that the Government of the Republic of Croatia, at the recommendation of the Government's Commission for Equality Issues, adopted on 18 December 1997, and a report about its implementation.

Article 4

41. Article 101, paragraph 1, of the Constitution states that the President of the Republic can make decrees with the power of law and take exceptional measures in the event of a state of war existing, or if there is a direct threat to the independence and integrity of the Republic of Croatia, or when governmental bodies are unable to carry out their constitutional duties in a regular manner. While the President of the Republic is exercising this authority, the House of Representatives may not be dissolved. The Constitution expressly states that the President of the Republic has to submit any decrees with the force of law that he has passed in line with the authority granted him by article 101 to the House of Representatives for confirmation as soon as the Parliament is able to meet.

42. In the Constitution, there are three possible cases in which the executive can impinge upon the work of the legislature:

(a) In the event of urgent necessity, when the State is in danger from external or internal causes;

(b) In the event of direct constitutional authority to the executive to govern certain social relations through its general standardizing regulations;

(c) In the event of legislative delegation in which the legislative body itself transfers to a greater or lesser extent its legislative authority to the executive.

43. The possibility of restricting the rights and liberties of the citizens is stipulated in articles 16 and 17 of the Constitution of the Republic of Croatia, which reads:

> "Liberties and rights can be restricted only by the law in order to protect the liberties and rights of other people, as well as law and order, public morality and health.
>
> In time of a state of war or direct threat to the independence and integrity of the Republic and of great natural disasters the individual liberties and rights guaranteed by the Constitution can be restricted. The Croatian State Parliament decides about this, with a two-thirds majority of all the representatives, or, if the Parliament cannot sit, then the President of the Republic decides.
>
> The extent of the restriction has to be appropriate to the nature of the danger, and it cannot have as a consequence any inequality among the citizens with respect to race, skin colour, sex, language, religion, ethnic or social origin.
>
> Not even in the event of there being a direct threat to the survival of the State can there be any restriction on the application of the provisions of this Constitution about the right to life, the ban on torture, cruel or humiliating procedures or punishments, about the legal determination of criminal acts and penalties, and about the freedom of thought, conscience and religion."

44. Apart from these restrictions, the Constitution precisely determines the cases in which certain civil rights and liberties can be restricted:

(a) The right to move inside the Republic of Croatia and the right to enter and leave it can exceptionally be limited by legislation, if this is necessary for the protection of law and order, or the health, rights and liberties of others (art. 32, para. 3, of the Constitution);

(b) Only by statute can restrictions necessary for the protection of the security of the State or the implementation of criminal procedure be stipulated (art. 36, para. 2);

(c) The right to free association is restricted by the prohibition of violent threats to the democratic constitutional order and the independence, unity and territorial integrity of the Republic of Croatia (art. 43, para. 2);

(d) In the armed forces and the police, unions can be restricted by statute (art. 59, para. 3);

(e) In the armed forces, police, civil service and public services, as determined by the law, the right to strike can be restricted by statute (art. 60, para. 2);

(f) It is also possible to restrict legislatively or confiscate property rights in the interests of the Republic of Croatia, with compensation for the market value. Entrepreneurial liberty and property rights can exceptionally be restricted by law for the protection of the interests and security of the Republic of Croatia, nature, the environment and health (art. 50, paras. 1 and 2).

Article 5

45. Should any internal Croatian regulations stipulate a lesser scope of certain rights than is laid down in the Covenant, pursuant to the provision of article 134 of the Constitution of the Republic of Croatia, according to which international treaties that are entered into and ratified in line with the Constitution and are published and in force, thereby forming part of the internal legal order of the Republic and being in legal force above statute law, the provisions of the Covenant will be enforced directly.

46. The Croatian legal system recognizes a special way of ensuring the protection of rights laid down by the Constitution and any international treaty of which the Republic of Croatia is a party in the event that statutes should lay down a smaller scope for any given rights than that which is laid down by the Constitution. This is the proceeding for the evaluation of the consonance of a law with the Constitution, the judgement being made by the Constitutional Court. As an example, we can quote the decision of the Constitutional Court of the Republic of Croatia No. U-I-20/1992 (*Official Gazette* No. 31/98) in which the Constitutional Court, deciding on the realization of the constitutional right to conscientious objection, referred to the provisions of the Constitution of the Republic of Croatia, article 18 of the International Covenant and article 9 of the European Convention for the Protection of Human Rights and Fundamental Liberties. The Court, in making its judgement about the manner of governing the right by the law, determined that the right was governed as was laid down in the international treaties to which the Republic of Croatia is a party.

47. Through the application of the provision of article 134 of the Constitution, the provision of paragraph 2 of this article of the Covenant, which determines the relation of the Covenant with other laws and conventions that provide equal or broader protection of rights, is applied directly in the Republic of Croatia.

Article 6

48. Since the Republic of Croatia is a party to the Employment Policy Convention, 1964 (No. 122) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) of the International Labour Organization and to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, it has sent reports about the application of these conventions to the competent bodies, and we would draw attention to these reports with respect to the rights laid down in this article of the Covenant.

49. The Constitution of the Republic of Croatia forbids forced and compulsory work. Article 54 of the Constitution says that everyone has the right to work and to freedom of work. Everyone freely chooses his or her calling and employment and all jobs and duties are accessible to all people under identical conditions. Each employed person has the right to earnings with which he or she can ensure for him- or herself and family a free and dignified life (art. 55, para. 1).

50. In line with the provision of article 14 of the Constitution, which says that the citizens of the Republic of Croatia have all rights and liberties irrespective of their race, skin colour, sex, language, religion, political or other convictions, ethnic or social origin, property, birth, education, social position or other features, and with the provision of article 54, article 2 of the Labour Law specifically bans any discrimination against persons seeking employment, and against persons who are employed, on the basis of race, skin colour, sex, marital status, dependents, age, language, religion, political or other convictions, assets, birth, social position, membership or non-membership in a political party, membership or non-membership in a union or corporeal and mental handicaps.

51. We give a report on the entire educational system in the Republic of Croatia in relation to article 13 of the Covenant.

52. From the point of view of the upbringing and education of the school population, the Employment Office has a certain advisory role in the choice of occupations, taking into account the interests and abilities of the clients, while not ignoring the needs of the regional or global economy. Educational activities carried out by the Office (professional qualification, retraining and additional training) are carried out exclusively if there is interest on the part of both employee and employer. Educational and training activities initiated and co-financed by the Office are carried out with unemployed persons for a known or an unknown employer. The Office also carries out training activities with people already in employment if the employer of such persons declares them permanently redundant because of the level of their education or qualifications.

53. Professional orientation, agency work in employment, professional selection, employment-linked training and professional rehabilitation are based on the Employment Law and in particular on articles 1, 5, 6, 8 and 9. Articles 10 and 11 in particular lay down the impartiality of the working of the Employment Office, with reference to both the unemployed and job-seekers and employers and to the fact that its mediation and advisory services are free of charge.

54. Every professional orientation of an individual can have only an advisory character - it is free of charge and non-obligatory. Professional selection is carried out at the request of an employer, but decisions arrived at do not obligate an employer. In both cases the advice is based on the professional interests and wishes of the candidates, and takes into account their abilities and other traits important for training and work, technical knowledge and skills, and any medical contraindications that there might be.

55. In no way can race, colour, religion, national origin, social status and state of assets influence the advisory assistance. Gender is taken into account as an element in the counselling only for certain occupations and jobs and then when an occupation or a job, because of the conditions of work, is for physiological and health reasons not recommendable for members of a certain sex. In the same way the state of health of a candidate is taken into consideration only if the occupation (or the jobs or conditions of work in it) is counter-indicated for him or her.

56. We should also mention that the jobs of professional orientation and selection are carried out mainly by doctors, teachers and educators (rehabilitation matters and special teachers) who are bound in their work by the codes of their own professions. These ethical codes themselves militate against any kind of unequal approach or exclusiveness.

57. In Croatia, since 1988, there has been a trend towards the reduction of the overall level of employment. The greatest annual fall in employment came in 1992 (13%), and in the following years the tendency for employment to drop was slowed down considerably (on average, the annual rate was 2.4%). According to the most recent data from the National Statistics Office, in August 1999 there were 1,345,000 persons employed in Croatia. Of these, 1,034,000 or 76.84% were employed by government, mixed or privately owned establishments, 212,600 persons or 15.8% were self-employed or in freelance professions, and 99,000 persons or 7.36% were recorded as being employed in small-scale farming.

58. As compared with the state of employment in 1989 and in 1994, the total number of employed persons has dropped by 26.7% and 6.4%, respectively. These relatively high levels of fall in employment (particularly in comparison with 1989) are the result, above all, of the reduction of the number of employed persons in companies and establishments of the former public sector, caused by their being restructured and oriented to a market economy. In comparison with 1989, employment in this part of the Croatian economy had been reduced by 34%, and in comparison with 1994 by 8%, with

the remark that in 1999 official statistics include all those employed in the police and the armed forces, while the figures for the previous years did not.

59. At the same time the level of self-employment and the employment of other people in trades and in the free professions rose. In comparison with 1989 statistics show a rise amounting to 312.8%, with the proviso that in that year self-employed persons were not included, while with respect to 1994 the growth amounted to 42.5%. In this part of the Croatian economy, then, the number of employed persons has risen all the time, with a simultaneous increase of its share in overall employment (from 2.8% in 1989 to 15.8% in 1999), which has contributed to the slowdown in the fall in overall registered employment in Croatia.

60. According to data from the Croatian Retirement Insurance Institute, the number of registered small-scale farmers is constantly falling, and in a ten-year period (1989-1999) has dropped by 54.5%, and in the last five-year period (1994-1999) by 39.6%.

61. As well as figures derived from the administration about employment, since 1996 there has been a Labour Force Survey according to the methodology of the ILO. The results of research into employment from the Survey differ from the figures derived from administrative sources. The most recent data from the Survey, as carried out in the second half of 1998, show that the number of employed persons in Croatia was 1,549,000 with a slight upward average trend as compared with 1996, i.e. with the first results obtained from the Labour Force Survey. Of the total number of employed persons, the private sector accounted for 840,000 persons or 54.2% (and rising), while 709,000 persons or 45.8% of all employees were engaged in the public sector or in the companies being transformed (privatized).

62. Before we give an account of the features and trends of employment and unemployment in the Republic of Croatia in the period between 1986 and 1999, it is necessary to say something about the source of data about unemployed persons. The sources of the data on which this information is based are the records of the Croatian Employment Office and the Labour Force Survey on a sample of households carried out by the National Statistics Office according to the recommendations, methods and definitions of the ILO. The Survey was carried out once a year in 1996 and 1997, and in 1998 it was carried out on an ongoing basis with half-yearly processing; the results were published twice a year, for the first and the second half-year periods. In 1996, according to the results of the Survey, there were 170,234 persons who were unemployed, the rate of unemployment amounting to 10%. At the same time, the Croatian Employment Institute recorded 266,644 unemployed persons, the rate of registered unemployment calculated on the basis of these administrative sources coming to 15.7%. During 1998 the rate of surveyed unemployment came to 11.2% (first half) or 11.6% (second half) as against a rate of registered unemployment of 17.2% (Monthly Statistical Report, 1999, No. 6, National Statistical Office, Zagreb).

63. Registered unemployment in the Republic of Croatia was constantly on the rise from the beginning of the 1980s to the beginning of the 1990s. In the period between 1980 and 1990 it rose at an average annual rate of 6.2%, and at the beginning of the 1990s a drastic rise in unemployment began, caused, above all, by a mass influx of workers from companies in bankruptcy and liquidation. This not only changed the dynamics but also the structure of unemployed persons. From 1993 to 1995 there was a reduction of unemployment, while from 1996 on it has been constantly on the rise.

Unemployment trends from 1986 to 1999 (annual mean)

Year	Total	Index	Women	Index	Proportion of women
1986	122,711	100.0	75,170	100.0	61.3
1990	160,617	130.9	91,376	121.6	56.9
1995	240,601	196.1	124,232	165.3	51.6
1999[a]	316,816	258.2	165,897	220.7	52.4

Source: Croatian Employment Institute, Zagreb.

a/ For 1999, the mean of registered unemployed from January to September was taken.

64. As we can see, the total unemployment in the period from 1986 to 1999 increased two and a half-times (the index is 258.2), while unemployment among women is twice as great (index 220.7). The percentage of women in this period fell from 61.3% to 52.4%. We should mention that this proportion fell below 50% in the mid-1990s, as a result of a great influx of demobilized soldiers from the war into the ranks of the registered unemployed.

65. In the age structure of registered unemployment, persons up to the age of 24 made up 65.2% in 1986. In 1991 this proportion fell to 36.9%, in 1995 to 34.1% and in 1999 to 31.1%. These trends in the reduction of the share of the young and the increase of the share of the older are the result mainly of the liquidation of companies and of redundancies; the workers then, primarily so as to obtain unemployment benefits, register with the Employment Office. This mainly concerns workers in their middle years or older, who are more difficult to employ and thus remain on the books of the Office for quite a long time.

66. The length of unemployment is an important feature for the monitoring of this phenomenon. Lengthy periods of unemployment have markedly negative and multisided effects, economic, social, psychological and other. At the end of June 1999, on the total number of recorded unemployed persons, 43,332 persons had been waiting for work for 3 months (13.9%), 44,735 from 3 to 6 months (14.3%), 35,745 from 6 to 9 months (11.4%), 32,868 from 9 to 12 months (10.5%), 59,655 from one to two years (19.1%), 32,692 from two to three years (10.5%), and 63,771 for over three years (20.4%).

67. At the moment, young people without work experience and a lower level of education, older persons, the long-term unemployed and persons from areas that were hit in the war are more exposed to unemployment, as they will be in the period to come. In the employment policy, greater attention has to be devoted to these categories of person.

68. Unfortunately there are only fairly general data about the employment or unemployment of persons who are hard to employ (including disabled persons). The data that will be adduced relate to people registered in the Employment Office. Further, in the last decade crucial political changes took place in Croatia, including in the area of the welfare of disabled persons and of other persons with social security requirements. Thus data are not completely comparable.

69. At the end of 1998 the trend towards the reduction of the absolute and relative numbers of unemployed people more difficult to employ continued. This reduction is not, it is true, very large, but

it has been a continuous feature of recent years. The reduction in the number of difficult to employ unemployed persons is in part the consequence of an endeavour to make sure that at least some of these categories of persons are employed, but also probably the result of alterations in the criteria for the evaluation of who is a person that is difficult to employ.

70. The total number of recorded unemployed persons in the Republic of Croatia at the end of 1998 (302,731) was 5.4% greater than in 1997. At the same time, the number of difficult to employ persons who were unemployed fell, and thus their share in the total number of unemployed also fell (from 9.6 to 8.8%).

71. In 1998 in the Croatian Employment Office there were records of 8,105 unemployed persons with a disability. This was an increase of 2% over 1997. However, in some categories of disability the number of unemployed was reduced. For example, there were 7.4% fewer unemployed demobilized soldiers from the recent war, and 12% fewer people disabled at work than in 1997.

72. At the end of 1995, there were 249,070 persons registered in the Office; of these, 27,930 (11.2%) were in the category of difficult to employ. This is a slightly smaller number than in the previous year. Since the total number of the employed rose, these data indicate the increased attention of the Institute (through the active employment policy) to these persons.

73. While we are discussing the disabled, at the end of 1995 the Office had 6,930 unemployed disabled on its books. The percentage of them in the total unemployed population was 2.8%. This is somewhat more disabled unemployed than in the previous year, and a somewhat higher unemployment level was recorded in the groups "categorized youth" and "disabled from the war".

74. At the end of 1990 there were records in the Institute of 195,466 unemployed persons. There were 8,433 difficult to employ persons, or 4.32%. This was a marked rise over the previous year (1989). The Office had records of 4,363 unemployed disabled persons, or 2.23% of the total unemployed population. This was also a marked rise as against the previous year.

75. Finally, we may notice that the trend in the number of unemployed persons who are difficult to employ, including the disabled, has, except perhaps in the last couple of years, on the whole kept pace with the general upward trend in unemployment. The Croatian Employment Office has attempted, in line with its current capacities, to help the persons concerned by financial incentives to employers, medical and psychological treatment, counselling for the unemployed, their retraining, additional training and further training.

76. The House of Representatives of the Croatian State Parliament at a session held on 17 February 1998 accepted the National Employment Policy, "binding the Government of the Republic of Croatia in 1998 to work out and implement a programme of incentive measures for new employment in companies and tradesmen's workshops".

77. The Croatian Employment Office developed five new programmes the aim of which is to influence trends on the labour market from several aspects at the same time in order to reduce unemployment, open up new jobs, help in the restructuring of the economy and reduce the structural imbalance between supply and demand in the labour market both geographically and from the point of view of the qualification structure. In this report the programmes are presented, the degree to which the programmes have been implemented, and an analysis of the effects of the individual programmes on the labour market.

78. In session on 23 April 1998, the Government of the Republic of Croatia, starting off from the task it had been charged with by the Parliament, accepted the First Programme of Measures in the Implementation of the National Employment Policy. An analysis of the success of the First Programme showed that the incentives were not powerful enough to stimulate new employment and in October 1998 the working out of new measures was addressed, within the context of the Second Programme, which is still in force today. The elements of the new programme are as follows:

Measure 1 - Joint financing of the employment of younger persons (up to 30 years of age) without experience in the occupation for which they have been trained

The objective of this measure is to prevent long-term unemployment among the young while they are entering the labour market, which represents a loss of acquired human capital. An employer who takes on a person from this group from the records of the Croatian Employment Office is refunded part of the gross pay up to the level of contributions payments (ca. 42% of gross pay) for one year. The employer is obliged not to reduce the number of employed during the joint financing period and to keep the jointly financed person on for twice as long as the joint financing period, i.e. for two years. In this way, 3,844 people from the Office's books were employed from June 1998 to 31 October 1999.

Measure 2 - Joint financing of the costs of induction into work and the training of newly employed persons

The objective of this measure is to enable employers to qualify newly employed workers so that they become adjusted to the needs of the job. Qualification and training can be carried out on the job as well as in a training institute, or through a combination of the two approaches. Joint financing is given for qualification programmes up to one year and the costs are reimbursed up to the level that is determined by the level of contributions on gross pay. The employer is bound to retain the existing level of employment for a year and retain the jointly financed person for a period twice as long as the length of the joint financing. There is no age limit with this measure. In this way, from the records of June 1998 to 31 October 1999, 4,041 persons were employed.

Measure 3 - Re- and additional training for occupations in short supply

The aim of this measure is to reduce the structural inequality between supply and demand in the labour market. Employers who cannot obtain the persons with the required occupational skills from the records of the Institute can have the costs of re- and additional training jointly financed, up to 60 to 80% of the costs of the training. During the training period the employer is bound to employ the workers for a fixed time, and after the training has to take them on for an unlimited period of time, with the obligation of keeping them in work for at least 24 months. Shipbuilders mostly used this measure for trades in short supply such as welders, pipefitters and similar occupations. For experts dealing with explosives, a number of persons were trained to carry out mine clearing occupations.

As well as for a given, known employer, through this measure the Office trains unemployed persons who have occupations that are in surplus and cannot find employment. The occupations most in demand on the market are computer operators, business secretaries, in the building trades and so on.

This measure can also be applied within the Redundancy Management Programme, so that the qualification structure of the employed should be made to fit the new needs with the objective of keeping up existing employment.

This measure embraced 604 ex-soldiers from the books of the Office, who are privileged vis-à-vis all other job seekers in all measures.

The needs for the additional training of the seasonal labour force can also be met by this measure, which is of exceptional importance for the tourist season.

In the period already mentioned, Measure 3 embraced 2,549 persons.

Measure 4 - Joint financing of the employment of Croatian soldiers and the unemployed children and spouses of dead and missing soldiers from the war for independence

Joint financing of this group has a priority, and is supported with very high subsidies. An employer who takes on an ex-soldier in the first year of work pays only 30% of the gross pay, i.e. 70% of the pay is reimbursed to him quarterly. In the second year, 50% of gross pay is reimbursed. In this way, 2,014 Croatian ex-soldiers were employed.

Review of the measures of active policy in the period from June 1998 to October 1999

		Measure 1	Measure 2	Measure 3	Measure 4	Resources spent	Total
1998	June - December	634	463	562	189	2,616,837	1,848
1999	January	131	122	229	68	2,665,824	550
	February	200	214	348	76	4,942,095	838
	March	319	245	248	211	5,396,787	1,023
	April	356	300	539	238	6,545,875	1,433
	May	304	369	254	204	11,650,637.92	1,131
	June	424	414	82	313	9,725,897.66	1,233
	July	362	536	65	268	13,098,234.64	1,231
	August	193	348	29	80	9,859,475.54	869
	September	253	349	93	198		893
	October	668	681	100	169		1,618
	Total	3,844	4,041	2,549	2,014	67,295,556.88	12,448

79. Of the total number of unemployed persons covered by this programme of measures of active policy, 10,704 persons were found employment. A difference shows up because of persons who were qualified for work with a non-specified employer within Measure 3, but who through this training had a much greater chance of being employed.

80. These measures improved the proportion of persons from the books of the Office getting employement as compared with the total number becoming employed. Since in 80% of cases employers do not take on persons from the books but have their own selection of future workers, we are of the opinion that we have, among other things, increased the interest of employers in groups from the books. Most employers who make use of the measures are small employers who on the whole take on one or two workers. The occupations most in demand among employers are:

(a) In the unqualified and semi-qualified groups: assistant garment workers; general labourers;

(b) In the qualified and highly qualified groups: metal workers; panel beaters; heating installers; machine builders; automobile mechanics; garment makers; hairdressers; sales assistants;

(c) In the secondary education qualification group: engineering technicians; construction technicians;

(d) In the college-level qualification group: ordinary degree level mechanical and electrical engineers;

(e) In the university-degree level group: economists; physicians.

81. In the framework of the self-employment programme, unemployed persons from the books who have the aptitude and necessary knowledge to start up their own company, trade, freelance profession or farm are prepared for self-employment.

82. Although this programme is oriented to those who are already working as entrepreneurs in the grey economy or who are working on their own farm, we think that those starting have to go through several phases that will make them capable of evaluating realistically the level of risk before venturing into the world of enterprise. For this reason, all unemployed potential entrepreneurs who wish to become self-employed go through the phases of selection, education, consultation, and are only then given loans. The first selection is done in the Institute, which holds information seminars for interested persons; here candidates learn about the legislative framework, the fiscal system, the institutions they have to learn to use, the procedures involved in registering a firm, and about the basic features of drawing up a business plan. According to experience to date, after a seminar, 50% drop out of the programme. The others fill in a questionnaire that serves to reveal the entrepreneurial capacities of individuals and then they are given instructions about how to work out their business ideas. With their completed forms, the candidates will then talk with an expert team from the Office, comprising a psychologist, counsellor, educationalist and consultant. Within the framework of this selection the person is advised either to give up or to go on to a seminar for the elaboration of a business plan, or perhaps directly to a consultant. In this phase another 20-30% drop out. Most of the remaining candidates go to a seminar at which they will be able to get more detailed information necessary to an entrepreneur and will draw up their business plan, which is part of the application for a loan. After the seminar, the candidates are ready for the consultancy service, during which the financial indicators are prepared in detail, the conditions for security of repayment are investigated, and so on.

83. A very important part of this programme is the cooperation between the various institutions in the implementation of these various procedures. The Croatian Employment Institute has entered into agreements about business cooperation with the Croatian Postal Bank, with educational institutions that carry out business seminars, with the Agricultural Advisory Service, the Livestock Selection Centre and with consultants. There is also very close collaboration with the county Enterprise Centres, Technology Centres, and Economy Offices in the field and with the ministries of tourism, economy and agriculture, and the Croatian Insurance Agency. The objective is to provide beginners with the ability to survive in a very uncertain environment and help them to make their way in the first years of operations.

84. We do not expect this measure to achieve any extraordinary results in the encouragement of employment, but in this way a forcing-bed of entrepreneurs will be created, and they will be crucial in the development of the private sector of the economy.

85. The programme for making loans to small- and medium-sized enterprises also has the objective of, through special loans, making it possible to provide new jobs. The very high cost of capital and its inaccessibility in this sector of the economy is reflected in the very low demand for labour, which results in it being impossible to find jobs for many of the unemployed on the books. Priorities in the loans programme will be given to firms, tradesmen and so on that directly or indirectly (through cooperation and other forms) are the biggest employers.

86. According to need, verified consultants are engaged for those entrepreneurs who do not have the ability to draw up a business plan for themselves Beginners from this programme will have to go through the same procedure as beginners from the Employment Incentive Programme.

The loan conditions are the same as in the previous programme, i.e.: interest rate equals CNB discount rate + 1%; the repayment period is up to seven years; and the moratorium is from 1 to 3 years depending on the activity.

87. Clients for loans have another benefit, which is that with respect to security instruments, hypothecs (liens or mortgages) can be entered on items of purchase, instruments can be combined, although loans cannot be given to settle current liquidity problems. In exceptional cases, among others in cases for the programme of managing redundancies, working capital funds can be loaned if they are for the purpose of maintaining the current level of employment in the period of bringing in a new production line which will make possible the long-term development of the company and thus new employment.

88. Loan programmes can be used with measures of the active policy in the area of the joint financing of employment, additional training and re-training. The best way of making these loans is via collaboration with local government so that the loans should serve the overall plan for the development of the economy, and not be *ad hoc* solutions that bypass existing strategies.

89. In this programme too there is cooperation with the Croatian Postal Bank, which takes on commission work for the Institute but also invests its own capital in some investments in the ratio of 1:1. In the future, the number of financial institutions cooperating within this programme can be increased, particularly so as to increase regional coverage.

90. It is crucial that from idea to realization of the loan not more than one month should elapse, and that the commercial bank should be interested in encouraging small and medium-sized enterprises and be prepared for the level of risk present in the Croatian investment scene of today. During 1999, 883 applications for loans to a total of 891,380,086.12 kuna were received, which would result in the employment of 5,213 persons from the books of the unemployed.

91. Public works programmes can be found in many countries, especially those that have been hit by war damage or natural disasters. Public work is often used today in the implementation of very diverse socially useful activities, which can vary from forest clearance to care for the elderly. All these are activities in which private firms do not see a profit motivation, that is, are in the domain of the services and works that the State, or local government, is charged with.

92. An additional interesting characteristic of public work is that carrying it out can employ persons from the books of the unemployed that employers have no interest in. Unfortunately, these are today almost all unemployed persons over 40, persons with health problems or who are hard to employ for other reasons.

93. Since in the Republic of Croatia there are many jobs during the reconstruction process and since there are many unemployed at the same time, we would consider public works an instrument for intervening in the labour market that is appropriate to the times. Its usefulness comes particularly to the fore in plans for the return of displaced persons to areas in which the economy has not yet been brought up to the level at which it is capable of being in the forefront of development and employment, and without employment, there is no return.

94. The Croatian Employment Office has encouraged local government representatives to start off public works programmes. Most of them have recognized the interest of their county or city in this instrument. Because of this encouragement of local government officials, by the end of October 1999, the Croatian Employment Office received 153 applications for public works programmes from almost all counties, in which about 2,000 unemployed persons would be employed. The total funds to be spent on the implementation of the programmes would amount to some 22,700,000 kuna.

95. The programme for looking after redundancies in the workforce is one of the elements of the National Employment Policy (NEP), the aim of which is to prevent a rise in unemployment, and to help persons threatened with unemployment to find employment rapidly.

96. Analysis of data obtained from the records of local office of the Croatian Employment Office has shown that the most frequent reasons for the appearance of redundancies are privatization, the restructuring of companies, changes in production lines, the introduction of new technologies, inability to adjust to the needs of the market and other, similar reasons.

97. The employee structure that shows up as redundant labour indicates that these are persons for whom there is no demand on the labour market. Employees, that is, those included in redundancy management programmes, are most commonly categorized as very difficult persons to employ, women, and older and disabled persons.

98. Identification of employers with operational difficulties goes on through employers themselves getting in touch with the Croatian Employment Office, stating the reason for there being redundancies, or employees themselves come into Croatian Employment Office offices to find out about the chances of new jobs with another employer, or perhaps through cooperation with unions or other institutions.

99. The work of the Croatian Employment Office comes to the fore even before the drawing up of the Redundancies Management Programme, since the employer while making up each part of the programme is duty bound to consult the employees' council, and if there is no employees' council, its role, in line with the Labour Law, is taken by the Croatian Employment Office.

100. The Croatian Employment Office then carries out the counselling procedure, including giving information to both employer and employees, meeting with employees and taking certain measures to keep them in employment. In this context, in the local offices of the Croatian Employment Office, uniform standards have been fixed through which the employment services are managed in order to help employers and employees in finding appropriate solutions to look after redundant workers. Expert teams of the employment service (a lawyer, psychologist, counsellor and active employment policy associate) run these activities.

101. The work of the expert teams in the local branches are directed towards setting up collaborative work with employers and employees in good time, and giving them information about the Croatian Employment Office's agency or intermediary work, the application of the measures of the National Employment Policy (NEP) (especially Measure 3 – qualification, retraining, extra training) and the possibility of becoming self-employed and the credit lines.

102. It should be stressed that, in line with the Labour Law, the opinions and objections of the local services of the Croatian Employment Office do not bind employers in the implementation of programmes, and can only prolong their implementation for a period of 3 months.

103. During 1998, the Croatian Employment Office processed 366 Redundancy Management Programmes involving 12,326 employees. By August 1999, 163 Redundancy Management Programmes (RMPs) had been received, involving 4,698 persons. It should be stressed that a certain number of programmes have been heralded or are in preparation, while some of them are currently in the counselling in the employment services phase.

104. In carrying out this work in taking care of redundant labour, the Croatian Employment Office meets a number of problems of an objective nature, such as the lack of new jobs, both with the old and with any other employer, the psychological and physical nature of the persons involved in the programmes, because of which the existing measures carried out by the Office cannot be employed.

105. The Croatian Employment Office is also involved in the company reconstruction programme. Within the implementation of this programme, the Institute has insisted on retaining the existing number of employees, and in cases where it was manifest that development plans would not allow for the same level of employment, instruments envisaged by the redundancy management programme were brought into play, as follows:

(a) Joint financing of retraining and additional training of existing employees so that they should acquire new skills and knowledge, as required by the new jobs;

(b) Employment agency work for the employees before they even get onto the books of the Croatian Employment Office;

(c) Offer of loans for self-employment, and involving employees in the self-employment encouragement programme;

(d) Loans to a company during its period of reconstruction with which it can be helped to maintain the existing level of employment within the programme of the future development of the company. For such purposes, the Croatian Employment Office has invested one hundred million kuna of its funds.

106. We are of the opinion that with these programmes, and with constant updating of their effect, the Croatian Employment Office has effective long-term instruments to affect the labour market in order to reduce the number of unemployed, create new jobs, reduce structural unemployment and help the development of the economy.

Article 7

107. The Republic of Croatia is a party to the following conventions of the International Labour Organization:

Equal Remuneration Convention, 1951 (No. 100)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Labour Inspection Convention, 1947 (No. 81)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Occupational Safety and Health Convention, 1981 (No. 155).

It also regularly submits reports about the application of these conventions to the competent bodies. Therefore we would refer to these reports to do with the rights that are laid down in this article of the Covenant.

108. The basic principle behind the fundamental concept of the Labour Law is respect for the complete freedom of collective bargaining and the promotion of collective bargaining, at all levels, for the purpose of settling all questions of interest to the collective agreement, and in particular questions of pay, other benefits and remuneration and material rights in accord with the concept through which this Law introduced the social welfare-market economy model into the Croatian economic system. This model, at the same time, equally and equably, is endeavouring to realize the ideas of private ownership and freedom of enterprise, on the one hand, and social justice, equal opportunities and humaneness, on the other, which is in line with the constitutional definitions of the Republic of Croatia as a social welfare State that guarantees property rights and freedom of enterprise. Wage fixing would be direct and across the board State interference into employment matters and would considerably weaken entrepreneurial motivation, threatening the profit motive and economic activity. The Law stipulates in article 3 the employer's obligation to pay a worker a wage or salary for work that has been done.

109. Payment, pursuant to article 12 of the Labour Law, is a mandatory item of a written employment contract. Salaries are, in the Republic of Croatia, left to the autonomy of the parties and the basis and criteria for the payment of salaries are laid down in an individual employment contract, in the collective agreement or in the labour regulations (art. 81, Labour Law).

110. An employer who is bound by the terms of the collective agreement may not work out and pay an employee's salary in an amount that is smaller than the amount set out by the collective agreement. If the bases and criteria for the payment of salaries are not laid out in the collective agreement, any employer who employs more than twenty people is bound to set them out in the Labour Regulations.

111. If a salary is not fixed in either of these two ways, and the employment contract does not contain enough information for it to be worked out, the employer is bound to pay the employee an appropriate salary. By an appropriate salary is meant the pay that is regularly and usually paid for equal work and equal values (art. 81, Labour Law). Pursuant to article 84 of Labour Law, an employee has the right to increased pay for aggravated conditions of work, overtime and night work, and for work on Sundays, public or religious holidays, and on some other day statutorily determined as being a non-working day.

112. In the civil service and the public services, Law, in such a way that officials and employees are categorized into salary classes according to groups of position, rank and job determine salaries.

113. The pay of an official is a multiple of the value of the salary class into which the official is put, or the position to which he or she is appointed, which is expressed by a coefficient and the base that is determined by the Government, and the salary of an employee is composed of the product of the value of the salary class in which the job is classified expressed as a coefficient and the base laid down by the Government, unless otherwise determined by the collective agreement. For officials and other employees the base is laid down in the collective agreement. In the public services, the salaries of officials and other employees are also determined by classification, the value of which is determined by law. The base for the calculation of salaries is laid down in the collective agreement.

114. Salaries in the Republic of Croatia are left to the autonomy of the parties, and so is the determination of the minimum salary. The Government only lays down through its decision the minimum pay for benefits from social security.

115. The lowest wage was settled in the Collective Agreement on the Amount of the Lowest Wage that the Government made on 6 March 1999 with the employers' associations and which, via a decision of the Minister of Labour and Social Welfare, was extended to all employers and employees in the Republic of Croatia. In this Collective Agreement, the contracting parties determine that the amount of the lowest wage cannot be lower than the lowest base for calculating and paying contributions for retirement and disability insurance laid down by special regulations.

116. According to the last Decision of the Croatian Institute for Retirement Insurance (CIRI) (*Official Gazette* No. 14/99), if pay is used as a base, the lowest base for the calculation and payment of contributions and the ability to claim rights from retirement insurance has been set at the sum of 1,500 kuna. This base is set for full-time work. For employees who work part time, the contribution is calculated and paid from the lowest base, in proportion to the duration of the work.

117. In spite of the freedom to contract the terms of work between employer and employee, including with respect to fixing the bases and criteria for the payment of salaries and wages, the Labour Law specifically forbids any discrimination on a sexual basis in this area. Thus article 82 of the Law says that an employer is bound to pay equal wages to men and women for equal work and work of equal worth, and any provision of an employment contract, collective agreement or work regulations or any other document that conflicts with this provision is null and void. This provision is very consistently applied in practice.

118. Men and women are paid equal wages for equal work and work of equal value. What is questionable is the manner of evaluation through which it is determined whether work at different jobs is of equal value, because obsolete parameters are in use. For this reason, the Government of the Republic of Croatia, within the framework of the implementation of the National Policy for the Promotion of Equality, has started up a project, with the help of the ILO, for the testing of the evaluation of work of equal value.

119. Minimum conditions for safety and the protection of the health of employees are prescribed by provisions of the Protection at Work Law (*Official Gazette* Nos. 19/83, 17/86, 46/92 and 26/93) and detailed regulations passed pursuant to this Law. From 1 January 1997 the application of the new Protection at Work Law began (*Official Gazette* No. 59/96), which is in line with the provisions of Convention No. 155 of the International Labour Organization and Guideline 89/391 of the European Union. Bodies of the Labour Inspectorate carry out supervision of the implementation of the regulations in all spheres of work except in mining, where the Mining Inspectorate carries out supervision. Provisions of the Protection at Work Law do not apply to members of the armed forces, the police force or home helps.

120. The Labour Law and the Protection at Work Law regulate the particular protection of women at work. Legislative regulations, respecting women's biological characteristics and their reproductive function, and giving them through protection a privileged position in some cases, actually make it impossible for the specific nature of women to be made the subject of discrimination as compared with men.

121. The Labour Law defines the jobs that a woman may not do. A woman may not undertake particularly demanding physical work, work underground or under the water and other jobs that, with respect to her psychological and physical characteristics, would particularly threaten her life and health. The minister responsible for labour, with the agreement of the minister responsible for health care, has defined which jobs these are in Regulations. The ban on work underground does not relate to women who do management jobs, welfare and health care jobs, students and trainees who during their education, training or professional qualification period must spend part of their time in the underground parts of

mines, nor to women who must enter the underground parts of mines to do jobs that are not of a physical nature.

122. The Labour Law forbids women to work at night in industry, unless, exceptionally, in the event of serious danger, for the protection of the national interests, the minister responsible for labour has approved this kind of work. The law further says, in the same article, that the ban does not relate to employers who employ only members of their own family, to women who carry out management and technical affairs, and to women employed in health care and welfare who do not commonly carry out jobs of a physical nature.

123. The minister responsible for labour must, while giving consent for night work, obtain the opinion of the unions and the employers' associations. Nevertheless, exceptionally, a woman can be directed to work at night without the prior approval of the Minister of Labour and Welfare if this kind of work is absolutely essential because of *force majeure* or to stop raw materials spoiling, and in such a case the Labour Inspectorate has to be informed within a period of 24 hours. A Labour Inspector can ban night work in a case in which he or she judges that the work is not vitally essential, that there does not exist any *force majeure* or danger of raw materials spoiling.

124. Due to any need to use productive facilities more efficiently, increase employment or similar important economic or social reasons, the minister responsible for labour can decide that night work means a time different from the period between 10 in the evening until 6 in the morning the next day, and in agriculture between 10 in the evening and 5 in the morning the next day, or exclude from the ban on night work women:

(a) In a certain branch of industry or occupation, or in a given occupation, on condition that the employers' association and the unions have made an agreement about it or given their consent to it;

(b) With one or more employers, not involved in this decision, on condition that the employer and the employees' council have made an agreement about it, and that they have sought the opinion of the employers' association and the union of the branch of industry or the occupation or the given occupation;

(c) With an employer not covered by the decision about night work or in which no agreement between employer and employees' council has been reached, on condition:

(i) That the opinion of the employees' council has been sought, and that of the employers' association, the unions of the branch of industry or the occupation or the given occupation;

(ii) That the minister responsible for labour is assured of the suitability of the measures taken for safety and protection at work, social welfare services and equal opportunities for behaving towards employed women;

(iii) That the decision is good for a certain limited period of time, and that it can be renewed by the procedure and under the conditions laid down for its being made.

125. A pregnant woman and a mother up to the second birthday of a child and a single mother up to the third birthday of a child cannot be exempted from the ban on night work, unless she herself asks to be so exempted.

126. The Protection at Work Law specifies jobs with particular conditions of work as jobs that can be done only by employees who apart from general conditions for being employed also satisfy special conditions with respect to age, gender, technical qualifications, health, physical or psychological capacities. The minister responsible for labour and social welfare together with the Minister of Health prescribes what these jobs with special conditions of work are, and the manner, contents and periods for the testing of the working abilities of employees. As for sailors and fishermen, a special law and by-laws govern the ascertainment of their health and consequent ability to do their job.

127. The Constitution, article 55, says that every employee has the right to time off work during the week and a paid holiday during the year and cannot relinquish these rights. According to this the Labour Law determines the right to rest: during the day (break); between two successive work days (daily rest); between two work weeks (weekly rest); in each calendar year (annual vacation).

128. An employee who works full-time has the right to a break of 30 minutes every working day. The time of this break is counted in working time. If the particular nature of the work does not allow of an interruption of work for this kind of break to be taken, the collective agreement, the agreement made between the employees' council and the employer, the work regulations or the employment contract will arrange the way this break is taken. For example, the collective agreement for State officials and employees (senior and other civil servants) of the Republic of Croatia says that the time of this break cannot be set for the first three hours after the beginning of work nor in the last two hours before the close of working time. Other collective agreements also contain a similar provision about the daily rest period.

129. According to statute, an employee has the right to a rest between two successive working days of at least 12 uninterrupted hours. Exceptionally, an adult employee working on seasonal work in industry has the right to a break between two successive working days lasting at least 10 uninterrupted hours but only for a maximum of 60 days in a calendar year. Similarly an adult employee who works on seasonal work in agriculture, commerce and other non-industrial jobs, has the right to a break between two successive working days of at least 10 uninterrupted hours.

130. According to statute, an employee has the right to a weekly rest period of at least 24 uninterrupted hours, and if it is absolutely necessary to work Sunday, then a day off has to be provided during the week, in a period determined by the collective agreement, the agreement made between the employees' council and the employer or the employment contract.

131. An employee has the right to a paid holiday in a calendar year of at least 18 working days, while minor employees have the right to a paid holiday of at least 24 working days during a calendar year, and an employee who works in a job in which, in spite of all protective measures, it is impossible to protect him from harmful influences, has the right to an annual holiday of at least 30 days in a calendar year.

132. The duration of an annual holiday longer than the shortest time prescribed can be determined in the collective agreement, the work regulations or an employment contract. Public holidays and non-working days set by law are not counted into the length of the annual holiday, and neither are times of temporary incapacity for work as certified by an authorized physician.

133. An employee who is being employed for the first time or who has a break of more than eight days between two periods of employment attains the right to an annual holiday after six months of uninterrupted work. An interruption of work because of temporary incapacity for work, military service or some other legally justified reason is counted into the six-month period for attaining the right to an annual holiday.

134. The Law stipulates the right to a proportional part of the annual holiday. Thus an employee has the right to one twelfth of the annual holiday for each complete month's work in the event

(a) That in the calendar year in which he has started a job, because the six months wait has not been completed, he has not attained the right to an annual holiday;

(b) If the employment ceases before the close of the six month period of waiting;

(c) If the employment ceases before 1 July

In the calculation of the length of the annual holiday in this way at least half a day of annual holiday is rounded up to a whole day of annual holiday.

135. An employee has the right to take his or her annual holiday in two parts. If the employee takes the annual holiday in parts, the first part lasting at least 12 uninterrupted days has to be used during the calendar year for which he or she has attained the right to the annual holiday, while the second part of the annual holiday has to be used at latest by 30 June the following year.

136. Annual holiday, or the first part of an annual holiday that is interrupted or not used in the calendar year in which it is earned, because of sickness or maternity leave, can be taken up to 30 June in the next year, as long as the worker has worked at least six months in the year preceding the year in which he or she returned to work. A member of a ship's crew, an employee working abroad or an employee on military service can use his or her annual holiday in its entirety in the following calendar year.

137. The employer in line with the collective agreement, the work regulations, the employment contract and the Law decides the order in which workers take annual holiday.

138. An employee who used the whole of his or her holiday for the current calendar year at another employer's has no right to another annual holiday.

139. When an employment contract comes to an end, an employer is bound to issue the employee with a certificate about the use of the annual holiday.

140. During the time the annual holiday is being taken an employee has the right to compensation for pay in the amount determined by the collective agreement, the work regulations or an employment contract, and at least in the amount of his or her average monthly wage in the previous three months (including the appropriate monetary value of any pay in kind).

141. Compensation for wages must be paid to the employee in advance, before the annual holiday is taken, unless otherwise determined by the collective agreement or the agreement arrived at between the employees' council and the employer.

142. The law says that full working time can be no more than 42 hours a week. In jobs in which, in spite of the employment of protective measures, it is not possible to protect the employee from harmful influences, working time will be abbreviated in proportion to the harmful effect of the conditions of work on the health and capacity to work of the employee. The law only in exceptional cases envisages the possibility of overtime.

143. In the event of *force majeure*, an extraordinary increase in the volume of work and in other cases of absolute necessity, the employee must at the request of the employer work longer than full working time (overtime) but at the most by ten hours a week.

144. If a given employee's overtime lasts more than four weeks continuously or more than 12 weeks during the calendar year, or if the overtime work of all employees exceeds 10% of the total work time in a given month, the Labour Inspector has to be informed about the overtime.

145. A Labour Inspector will forbid overtime if it has a harmful effect on the health and ability to work of the employee or if the excessive use of it prevents the employment of unemployed people.

146. Overtime is forbidden for minors.

147. A pregnant woman, a mother with a child up to the age of three and a single parent with a child up to the age of six may work overtime only if he or she makes a written statement of voluntary consent to such work. A Labour Inspector will forbid such persons to work overtime if they have not made such a written statement.

148. The Holidays, Commemoration and Non-Working Days in the Republic of Croatia Law says that for days which are in this law stated to be holidays or non-working days, on which people do not work or have the right not to work, all employees have the right to compensation for pay. If, though, employees do work on this day, then they have the right to increased wages. An employee who has difficult conditions of work, who does overtime or Sunday work also has the right to increased wages.

Article 8

149. Since the Republic of Croatia is a party to the International Covenant on Civil and Political Rights, and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) of the International Labour Organization, and has sent reports about the application of these conventions to the competent bodies, we would refer to those to do with the rights stated in this article of the Covenant.

150. Article 59 of the Constitution of the Republic of Croatia says that for the protection of their economic and social interests, all employees and employers have the right to set up unions and employers' associations and join them or leave them freely. Pursuant to this constitutional provision, article 159 of the Labour Law says that employees and employers have the right, without any difference at all, according to their own choice, to set up unions and employers' associations and become members in them, on conditions that can be prescribed only by the charters or rules of these unions or employers' associations. Unions and employers' associations can be founded without any kind of prior permission. "An employee or an employer can freely decide about joining or leaving an association" (art. 160, para. 1, of the Law). "A union can be founded by at least ten adult persons who are capable of working". "An employers' association can be set up by at least ten adult persons capable of carrying out business." (art. 165, paras. 1 and 2 of the Law).

151. For the sake of security in legal matters and in collective bargaining, the Labour Law, although associations can be set up freely and without any prior approval, prescribes the condition of registering an association for it to become a legal entity and thus to be able to take part in collective bargaining. An association is entered into the Register of Associations at the application of the founders.

152. The Register is kept according to regions of work of associations. An application for entry into the Register must have appended to it: a decision about the founding, the records of the assembly of the

founders, the charter or articles, a list of the founders and the members of the executive body, and the name and surname of the person or persons able to represent it. The charter of the association has to be founded and passed on principles of democratic representation and the democratic expression of the will of the members. The charter of the association states the purpose of the association, its internal organization, its name, headquarters, area of activity, the symbol of the bodies of the association, the way these bodies are elected and dismissed, the manner of becoming a member and ceasing to be a member, the way membership fees are decided on, the way in which the charter is passed and changed, regulation, the way in which property is acquired, disposed of and supervized, the cessation of activity of the association, the bodies authorized to make a collective agreement and the conditions and procedures for the organization of industrial action art. 166 of the Law).

153. The Law, then, only determines what the charter of the association must contain, but does not say how this will be done in the charter, except that the internal organization of the association must be based on the principles of democratic representation and the democratic expression of the will of members, and that the purpose of the association determined in the charter has to be the making of collective agreements.

154. The body authorized to carry out the registration has to make a ruling about the application to be entered into the register of associations within a period of 30 days from the day the application is submitted.

155. If this authorized body does not make a ruling in this period it will be considered that the association is registered the day following the expiry of the period, in which case the body authorized to carry out the registration must, within seven days of the expiry of the period for making a ruling, issue a certificate of the registration of the association that is identical in content to a ruling about registration.

156. In the registration procedure the authorized body can only check to see whether all the accompanying documents necessary for registration have been submitted and whether the charter of the association is in accord with the Law. If the charter is not in line with the Law or if the application submitted does not contain proof that the conditions envisaged by the Law have been met, the applicant is asked to make the charter comply or to submit appropriate proof in a period that may not be longer than 15 days.

157. As regards the right of national employees to organize themselves, article 4 of the Law on Civil Servants and Government Employees and on Wages for those responsible for judicial functions says that national employees have the right to join unions in accord with the general regulations about work, unless something else is ordained in a special law.

158. Thus the right of national employees to organize themselves is recognized without there being any restriction, as for all other employed persons. The Labour Law is applied to national officers where union activity is concerned.

159. The Labour Law is also applied to the working relations of employees in public corporations and companies the majority owner of which is the State.

160. Pursuant to article 59 of the Constitution, which says that in the armed forces and the police union activity can be limited, the Law on Service in the Armed Forces of the Republic of Croatia (*Official Gazette* No. 23/95) says that active military personnel cannot engage in the organization of unions in the armed forces.

161. As we can see, the Law excepts only active military personnel from the right to organization in a union, while the right of employees who are working in the armed forces is not restricted.

162. Members of the Croatian police forces are not forbidden by any special regulation to engage in union activity, nor is their right in any way restricted, and they come under the general regulations on the freedom of association in a union.

163. This is also clear from the provision of article 9 of the Law on Internal Affairs, on the basis of which regulations about administration, working relationships, health, retirement and disability insurance and work-oriented education are applied to the Ministry as well, unless otherwise ordered by the Law.

164. The Constitution in article 59 says that unions can found their own federations and also join in international union organizations.

165. On the basis of this constitutional provision, the Labour Law too, in article 162, says that an association and higher level associations can freely join and cooperate with international organizations set up for the promotion of the same rights and interests.

166. At the current moment, in the Ministry of Labour and Social Welfare of the Republic of Croatia, the following are registered: 25 higher level associations of unions; one higher level association of employers; 159 associations of unions; and 26 employers' associations.

167. The Constitution of the Republic of Croatia guarantees the right to strike. The Labour Law says that unions or associations of them have the right to call people to strike and carry out strikes to protect and promote the economic and social interests of their members. A strike has to be announced to the employer or association of employers it is directed against.

168. A strike cannot be started before the end of the conciliation procedure envisaged by the Law, or before the carrying out of the second phase of the peaceful settlement of a dispute about which the parties have agreed (Labour Law, art. 210). If the parties have not confided the solution of a collective labour dispute to arbitration, the conciliation procedure has to be carried out.

169. At the latest on the day of the announcement of the strike the unions, or the higher level union associations, have to publish the rules about jobs on which work cannot be stopped during the strike passed in line with the provisions of the Law (art. 210, para. 5, of the Labour Law).

170. At the suggestion of the employer, the union and the employer will jointly and in agreement draw up and make rules about production-maintaining and necessary works that cannot be halted during a strike or a lockout.

171. The rules particularly contain provisions about jobs and the number of employees who have to do these jobs during a strike or a lockout, so that it is possible to go on with work as soon as the strike has finished (production-maintaining works) or so that jobs which are absolutely necessary to stop any threat to life, personal safety or the health of the population (necessary works) are done. The determination of these jobs may not in any way prevent or essentially restrict the right to strike.

172. The Labour Law also regulates the question of lockouts. Employers may lock workers out only in response to a strike that has already begun. A lockout may not begin before the end of eight days from the day a strike is begun. The number of employees locked out may not be greater than half of the number of employees in the strike. The employer is bound to pay the contributions determined by special regulations on a base constituted by the lowest wage for employees who are locked out.

173. An employer, or an association of employers, can apply to a competent court to have the organization and undertaking of a strike against the provisions of the law forbidden, and the union can apply to have the organization and undertaking of a lockout against the provisions of the law forbidden (arts. 215 and 216, Labour Law).

174. Although article 60 of the Constitution says that the right to strike can be limited by law in the State administration and in public services, this possibility is not made use of in the Republic of Croatia, and employees in the State administration have an unrestricted right to strike, in accord with the provisions of the Labour Law.

175. Active military personnel are not allowed to strike, because they are not allowed to unionize. All other employees and officers in the armed forces are allowed to unionize, and thus to strike according to the general regulations about labour.

176. The Law on Internal Affairs prescribes a restriction on the right to strike, and workers in the Ministry of Internal Affairs are not allowed to strike if a strike makes the undertaking of jobs determined by the said Law impossible.

Article 9

177. Since the Republic of Croatia is a party to the Social Security (Minimum Standards) Convention (No. 102) of the International Labour Organization and has sent its report about the application of this Convention to the appropriate bodies, we would refer to this with respect to the rights stated in this article of the Covenant.

178. In the chapter about fundamental human liberties and rights called Economic, Social and Cultural Rights, article 56, paragraph 1, of the Constitution of the Republic of Croatia says that the right of employed persons and members of their families to social security and social insurance is ordered by the Law and the collective agreement.

In the Republic of Croatia, the social insurance system covers:

Health care
Illness benefits (cash retribution)
Maternity benefits
Old-age benefits
Invalidity benefits
Survivors' benefits
Employment injury benefits
Unemployment benefits
Family benefits.

Health care

179. In its article 58, the Constitution of the Republic of Croatia guarantees every citizen the right to health care.

180. Health care embraces a system of State, collective and individual measures for improving, preserving and restoring health.

181. Health care of citizens of the Republic of Croatia is carried out on principles of universality, continuousness, availability and an integrated approach in primary health care, and a specialist approach in specialist and conciliatory and in-patient health care.

182. Health insurance is obligatory and voluntary.

183. Through health insurance insured persons have rights and obligations in the use of health care, and other rights and obligations deriving from health insurance.

184. The persons who have rights and obligations deriving from obligatory health insurance in the sense understood by the Health Insurance Law are the insureds, the members of their family and other persons who are insured in certain circumstances.

185. In health care insurance, obligatorily insured persons (insureds) are:

(a) Persons employed by a legal or private entity inside the Republic of Croatia;

(b) Persons employed by a legal or private entity with headquarters in the Republic of Croatia seconded abroad for work or further training and persons working in the household of an insured person working abroad (if they are not insured in the country they are seconded to);

(c) Persons who are chosen or appointed to some permanent duty in certain bodies of the national government or the judiciary, or in units of local government, if they receive wages for this work;

(d) Persons employed in foreign or international organizations and establishments, foreign consulates and embassies with headquarters in the Republic of Croatia;

(e) Persons with a residence in the Republic of Croatia employed abroad with a foreign employer who do not have the medical insurance of the foreign health insurance authority;

(f) Persons who after having finished their education are engaged in obligatory practical work and if they work full-time;

(g) Persons who carry out some economic activity in the Republic of Croatia and persons who carry out some professional activity as a self-employed occupation;

(h) Small-time farmers who in the Republic of Croatia are engaged in farming as their only or main occupation, farmers who have leased out their agricultural lands, and persons who have leased agricultural land, if they do not have health insurance on some other basis;

(i) People with pensions and beneficiaries of the right to professional rehabilitation and employment according to the regulations about retirement and disability insurance of the Republic of Croatia, domiciled in the Republic of Croatia;

(j) People with pensions and disability benefit domiciled or with a permanent residence in the Republic of Croatia who claim this benefit entirely from a foreign retirement and disability insurance authority, unless otherwise ordered by international treaty;

(k) Persons domiciled in the Republic of Croatia who do not have health insurance on another basis and who are registered with the Institute if they are:

(i) Registered within 30 days of the cessation of employment, of doing some work, or cessation of the receipt of compensation for wages that the person has the right to according to the Law or according to regulations passed pursuant to the Law;

(ii) Registered within 30 days of completing military service or after the cessation of the disability for work for which they were discharged from the military;

(iii) Registered within 30 days being released from a correctional institution, from a health care or specialized institution, if the security measure of obligatory psychological treatment in a health care establishment was employed, or of obligatory treatment of alcoholic of drug addicts;

(iv) Are engaged in vocational training or retraining organized by the Employment Institute;

(v) Registered within 30 days of returning to the Republic of Croatia after cessation of work abroad and if before going abroad they had health insurance in the Republic of Croatia;

(vi) Registered within 90 days of the conclusion of the school year in which they concluded regular education or of the day on which they passed a test if before that they had lost the right to health care;

(vii) Within 90 days of completing military service, or of the day of the unfitness because of sickness for which they were discharged from that service, if they went to military service within 60 days of completing education in an appropriate establishment;

(l) Persons domiciled in the Republic of Croatia who are not health insured on any other basis and who are 18 years of age, and have not completed elementary schooling or after completing elementary schooling did not become employed, if within 30 days of becoming 18 or of the day of the end of the school year they registered with the Institute;

(m) Persons domiciled in the Republic of Croatia who according to the educational regulations lost the status of pupil or regular student or who interrupted regular schooling retain the right to health care for a period of one year from the day of the interruption of education if they registered with the Institute within a period of 30 days from the day of the interruption of the schooling and if they cannot obtain the right to health insurance on any other basis;

(n) Persons domiciled in the Republic of Croatia who have the acknowledged status of wartime, peacetime or civilian disabled person of the war, or the status of the beneficiary of a family disability pension in line with the Law on Protection of Military and Civilian Disabled Persons, unless they have health insurance on some other basis;

(o) Croatian soldiers who fought in the war for Croatian independence if they are not medically insured on some other basis;

(p) Persons who provide care and assistance to a soldier disabled in the war for Croatian independence in the 100% disabled group if they are not medically insured on some other basis;

(q) People domiciled in the Republic of Croatia who were beneficiaries of health care under the Law about the basic rights of people disabled in the war and the families of soldiers killed in the war, the Law about disability benefit and other rights of people disabled in the war, the Law about the protection of soldiers in the Second World War, the Law about the protection of victims of fascist terror and civilian victims of war, the Law about the special monetary compensation for the fighters of the Second World War (Resistance Movement) and pre-war revolutionaries and under the Decree about the protection of the victims of the war for the defence of the Republic of Croatia and their families if they are not medically insured on some other basis;

(r) People domiciled in the Republic of Croatia who are members of the armed forces of the Republic of Croatia if they are not insured on some other basis;

(s) Persons who have interrupted their work because a company has sent them to training, further qualification or postgraduate studies;

(t) Persons whom a company has sent, before they started employment, as a scholarship holder for practical work in another company in order to get some professional qualification or advanced training;

(u) Persons sent abroad within the context of international technical, educational and cultural cooperation.

186. The members of the families of insureds are also obligatorily insured from the point of view of health care:

(a) Spouse (married and common law, according to regulations about marriage and family relations);

(b) Children (born within or outside marriage or adopted or stepchildren) and other children without parents if the insured person maintains them;

(c) Parents (father, mother, step-father, step-mother and adopted parent of the insured person) if the insured person maintains them;

(d) Grandchildren, brothers, sisters, grandfather and grandmother if they are incapable of living an independent life and if they have no means, and the insured person maintains them.

187. Other persons too have obligatory health insurance in certain circumstances:

(a) Pupils in secondary schools or regular students of colleges and universities who are citizens of and domiciled in the Republic of Croatia and who do not have health insurance as members of the family of an insured person;

(b) Members of the families of pupils and regular students if they do not have the right to health insurance on some other basis;

c) Persons domiciled in the Republic of Croatia who are incapable of living an independent life and do not have the means to maintain themselves, in accord with the regulations about social welfare, if health care is not provided for them on some other basis;

(d) Persons domiciled in the Republic of Croatia who have the means to maintain themselves are obliged to have health insurance to the extent laid down for members of the family of an insured person if health care is not provided for them on some other basis.

188. The right to healthcare protection in the degree to which insureds enjoy it also belongs to:

(a) Persons who take part in organized public works in the Republic of Croatia;

(b) Persons who fulfil the obligation to take part in civil defence or in the monitoring and notification service;

(c) Persons who as members of the operational compositions of voluntary fire-fighting organizations carry out the duties of putting out fires, protection and rescue in the event of other disasters, of preparation and safeguarding in places where there is a danger of fire, and on public occasions the duties of appearing and demonstrating exercises and so educating the public about fire precautions and protection;

(d) Beneficiaries of monetary grants for physical impairment according to the regulations about health insurance, if they do not have the right to health care on any other basis; they can claim health care only when it is in connection with the injury or sickness that has caused the physical impairment according to which they claim the right to a monetary grant.

189. The right to an insured person's health care because of an injury at work or sickness because of occupational illness is enjoyed by:

(a) Pupils and students taking part in practical lessons, practical work and on study tours;

(b) Persons who after finishing schooling do practical work, regardless of whether they are paid for it or not;

(c) Children and young persons with a physical or mental handicap doing practical lessons or practical work in a training institution;

(d) Persons who fulfil the duty of taking part in civil defence or in the monitoring and notification service;

(e) Persons who help the police force doing the duties within their sphere of competence;

(f) Persons who take part in organized public works, in rescue and salvage operations in the event of natural and other disasters;

(g) Persons who at the call of State and other authorized bodies perform duties in the interest of the Republic of Croatia;

(h) Athletes, trainers and organizers in the context of organized sporting activities, or those who take part in sporting actions;

(i) Persons who as members of the mountain rescue service or divers carry out tasks of saving lives or removing dangers that directly threaten the lives or property of citizens;

(j) Persons who as members of field organizations take part in rescue work and health protection in natural and other disasters (floods, earthquakes, mine accidents and so on).

190. Insureds, within the context of the mandatory healthcare programme, have the right to health care; compensation for wages during sick leave; reimbursement of travel expenses related to using health care-assistance with a layette; and a benefit for funeral expenses.

191. Pursuant to article 41 of the Health Insurance Law, resources for obligatory health insurance are provided from:

(a) Contributions "on" and "from" the wages of workers employed by legal or private persons;

(b) Contributions "on" and "from" the income of persons who carry on some business or non-business activity with their personal work. Contributions are paid according to uniform rates set by a special law of the Croatian State Parliament;

(c) Contributions of persons who pay their own contributions (contributions are paid according to a rate, basis and in a way determined by the Institute);

(d) Contributions from small-time farmers (the contribution is paid according to uniform rates set by the Croatian State Parliament in a special law);

(e) Additional contributions for the enjoyment of health care abroad (this contribution is paid in a manner and amount determined by the Institute);

(f) Sums from the national budget to cover costs arising as obligations of the Republic of Croatia, a county or the City of Zagreb (resources are paid in via the Ministry of Health on the basis of the real costs of the implementation of certain programmes for the protection of personnel or the realization of rights deriving from health insurance, proofs of the origin of which are supplied to the body liable to pay, and in the event of cases defined in article 5, items 11, 12 and 13 of this Law, on the basis of amounts of contributions that are laid down by the Government of the Republic of Croatia at the recommendation of the Minister of Health with the consent of the Minister of Finance);

(g) Participation of insured persons in covering part of the costs of health care;

(h) Revenue from interest, dividends and similar.

192. Pursuant to the Health Care Insurance Contributions Rates Law, those liable to pay contributions for health insurance determined by the Health Insurance Law from 1 February 1998 onwards pay as follows: (a) a contribution from wages at a rate of 9%; (b) a contribution on wages at a rate of 9%; and a contribution from farmers of 11%.

193. Companies, institutions and other legal and physical persons pay 50% for health care of the prescribed rate of contributions on the wages of people disabled at work employed by them, or who are being professionally rehabilitated. Companies, establishments and other legal and physical persons pay 50% of the prescribed rate contributions for health care from the wages of people disabled in the war, soldiers from the Croatian war of independence, employed by them, while contributions on wages are entirely exempted.

194. Voluntary health insurance is additional and private.

195. Additional health insurance is set up by a contract between the insurer and the insureds, or between the insured and the health care establishment directly, while private health insurance settles the health care of the insured entirely, and is established by an individual contract between insurer and insured. By entering a private insurance scheme the insured loses the right to make use of obligatory health insurance. An insured can obtain private insurance on condition of a means test determined by the Minister of Health. The Minister of Health also determines the conditions for and manner of carrying out additional and private health insurance.

196. Since the system of pension and disability insurance in the Republic of Croatia has been overhauled, we supply a concise review of the new system in an annex to this document.

Unemployment benefits

197. An unemployed person in the sense understood by the Employment Law is a person who is capable of work, aged between 15 and 65, registered on the books of the Employment Office as a job seeker and regularly referring to the Office and who is not employed, is not the owner or majority joint owner of a more than 51% share in a company or some other legal entity, is not self employed, is not the owner or majority joint owner of a more than 51% share in a farming enterprise and is not a regular pupil, regular student or a pensioner.

198. Pursuant to article 17 of the Employment Law, an unemployed person can claim unemployment benefit if at the moment of cessation of employment the person has an employment history of nine months of uninterrupted work or 12 months of work with interruptions in the last 18 months.

199. In the determination of the right to cash benefit, a year of work is considered a time of 12 months, and work shorter than full time is calculated in terms of full working time.

200. An unemployed person has the right to cash benefit if he or she registers with the Office and submits an application within 30 days of the cessation of employment, or service, or the cessation of a temporary incapacity for work according to the health insurance rules.

201. An unemployed person who for some good reason does not manage to register within the proper period can register and make an application to the Office within 8 days of the cessation of the reason that caused him or her to miss the date, and at the latest by 3 months after the day of the cessation of the employment.

202. Exceptionally, the right to cash benefit and retirement and disability insurance can be claimed by a woman who at the moment of cessation of employment or service has a child who is not one year old, or twins, a third or each subsequent child who is not yet three, which is determined for at least 78 days, and for at most up to the child's first birthday, or for twins, the third and every subsequent child up to the child's third birthday.

203. If a woman receives cash benefit for unemployment, this continues to be paid during pregnancy, after delivery for the period until the child is one year old, or until the child is three years old if in the evaluation of the competent health insurance body the child must have a mother's care, for twins, the third and every subsequent child until the child is three years old.

204. In the event of the death of a child, the right to cash benefit and retirement and disability insurance continue to be given to a woman claimant for the time that she would have been able to claim it had the child not died, but if this is longer than six months, then for a period at most of six months

after the death of the child. In cases where a woman has the right only to cash benefit, this continues to be paid to her for two months after the death of the child.

205. A person whose employment or service ceased can claim cash benefit:

(a) Because the person gave notice, unless it was exceptional notice caused by the behaviour of the employer;

(b) By written agreement about the cessation of the employment contract;

(c) Because the person during a trial period did not achieve the required effects, or did not pass the professional or vocational exam, or did not as an apprentice or trainee give satisfaction during the apprenticeship or trainee period;

(d) Because the person violated the obligations of the employment, or because of some serious breach of work obligations, or duties of service;

(e) Because he or she did not appear for work, without any justification, for five successive days;

(f) Because he or she is serving a prison sentence or being remanded to some other kind of institution for longer than 6 months;

(g) Through retirement or fulfilling the conditions for an old-age pension;

(h) Because of complete incapacity for work according to the retirement and disability insurance rules.

206. An unemployed person whose employment or service came to an end via a written agreement can exceptionally claim cash benefit if the employment or service ended because:

(a) The spouse of the person was posted to some other place in line with special regulations;

(b) Families joined after marriage, entailing a change of residence;

(c) Change of residence for health reason, on the basis of the opinion of a medical establishment determined by the Minister of Health.

207. The amount of the cash benefit is determined from the base constituted by the mean wage, reduced by the amount of the contributions, obtained by full-time work in the quarter that immediately succeeded the cessation of employment or service or temporary incapacity for work. The amount of cash benefit for the first 78 days it is used amounts to 80%, and for the rest of the time 60% of the said base.

208. Cash benefit cannot be less than 20% of the amount of the average wage paid in the (business) economy of the Republic of Croatia according to the last published figures, nor more than amount that is determined by the Minister of Labour in consultation with the Minister of Finance.

209. The lowest amount is 615.20 kuna, and the highest is 900 kuna a month.

Maternity benefits

210. The regulations governing health insurance in the Republic of Croatia say that women are provided with complete health care (in the areas of prevention, treatment and rehabilitation) in connection with family planning, pregnancy, delivery and maternity.

211. Women's health care in relation to the reproductive function is done via permanent or occasional gynaecological clinics, family planning advisory services, advisory services for pregnant women, and health visiting work within the context of the primary health care system.

212. A woman who is an insured within the context of obligatory health insurance has the right to:

(a) Compensation for wages if she is:

(i) Temporarily incapable of working because of sickness or injury or because of treatment or medical testing;

(ii) In isolation as a carrier or because of the appearance of some infection in her surroundings;

(iii) Obliged to care of a sick spouse or child in line with conditions prescribed by the Law;

(iv) Temporarily incapable of work because of pregnancy or taking the obligatory maternity leave until the child is one or at the most three years old, adoption leave and right to work short hours until the child is one or three years old;

(v) Absent from work in order to make use of the right to a break so as to breast-feed a child in accord with the provisions of the Labour Law (art. 21);

(b) Compensation for travel expenses in connection with health care;

(c) Assistance for a layette.

213. Compensation for wages for the care of a sick husband or child, pregnancy and making use of one of the rights related to the protection of maternity is calculated and paid according to regulations about health insurance, referred to in detail in comments about article 10 of the Covenant.

214. Insured persons from the funds of the national budget in the amount equivalent to twice the lowest basic wage valid can claim the right to assistance for a layette for the month in which the benefit is determined.

215. The Social Welfare Law (*Official Gazette*, No. 73/97) and other regulations govern the Social Welfare System of the Republic of Croatia.

216. Social welfare is a work of particular interest for the Republic of Croatia, through which help is provided and realized to meet the basic needs of life for the socially at risk, the infirm and other persons that they themselves or even with the help of members of their families cannot satisfy because of unfavourable personal, economic, social or other circumstances.

217. Within the framework of social welfare, rights are provided to counselling, help in overcoming particular difficulties, help for maintenance, housing cost help, single payment help, payment for assistance and nursing, help and nursing in the home, personal disability payment, training for an independent life and work, care outside the family, and other kinds of help.

218. Social welfare is implemented via the social welfare establishments that, depending on the kind, can, in accord with regulations, be founded by the Republic of Croatia, a borough, a city, the city of Zagreb, a religious community, a company, an association or some other foreign, legal or private entity.

219. With respect to the work of social welfare establishments, they can be divided into social welfare centres, social welfare homes and care and nursing centres.

220. Only the Republic of Croatia can set up a social welfare centre, while the other kinds of establishment can be founded by all the entities mentioned above. A social welfare centre is an establishment that, in addition to its other responsibilities as defined by law, gives first-resort rulings about social welfare, protection deriving from family and criminal law, and it works at the local level.

221. In total, 76 centres have been set up, with 26 branches, evenly distributed over the whole area of the Republic of Croatia.

222. Social welfare centres and their branches offer support to people socially at risk and other persons, palliating and obviating their conditions and helping them to more successfully overcome their hardships and difficulties. This is done by the realization of the following rights:

(a) **The right to counselling**, which entails systematic and programmed assistance, with the objective of the more successful overcoming of hardships and difficulties, the creation of the conditions for the preservation and development of personal capabilities and the more responsible attitude of the individual to the self, the family and society. Counselling is free of charge;

(b) **The right to assistance in surmounting particular difficulties** is offered to a single person or a family in order to surmount difficulties and hardships related to sickness, old age, the death of a family member, disability, problems in the upbringing of children, getting back into the course of ordinary life after having spent some time in a correctional facility or a long period of medical treatment and in other unfavourable circumstances or states of crisis. This form of social welfare includes free legal assistance in legal matters through which the satisfaction of vital needs is assured to the individual or family;

(c) **The right to maintenance help** can be claimed by a single person or family who does not have enough or does not have any resources to meet their vital needs, and are not able to obtain them from work, income from assets or some other way. During the determination of the amount of the assistance, account is taken of the age structure of members of the family, and through a supplement for special or increased needs, a greater level of assistance is ensured for a family that has a member completely incapable of working, a pregnant woman or a single parent. In this way, maintenance is provided taking account the specific individuality of each family;

(d) **The right to help to cover housing costs** was brought in with the intention that persons at risk (single persons or families) can be helped to cover the costs of renting housing, in part or in total. Since these costs are to a great extent conditional upon the situation in the given local area, local government units in their budget are obliged to ensure the resources for the realization of this assistance under conditions as laid down in the Social Welfare Law;

(e) **The right to one-time assistance** can be claimed by a single person (or a family) that because of temporarily unfavourable circumstances, as established by the Social Welfare Centre, cannot, in part or in total, meet their vital needs. This assistance can be given in money or in kind, and up to the sum that will cover some vital need in its entirety. Since the focus is on currently unfavourable circumstances, this means that the number of one-time benefits granted in a year cannot be known in advance, because the same family, depending on the findings of the Social Welfare Centre, can claim this kind of social welfare several times.

223. Persons at risk can, under conditions laid down by the Social Welfare Law, and the detailed regulations, claim the right to assistance in food, in clothing and footwear, help for the personal requirements of users of permanent accommodation, meeting funeral costs, meeting fuel costs.

224. According to the constitutionally enshrined duty of all to protect the infirm and the weak, the disabled enjoy special protection in the Republic of Croatia. An enclosure contains the National Programme for the Improvement of the Quality of Life of Persons with a Disability.

225. We think it is necessary to stress that apart from the previously extant institutes of protection carried out by the social welfare centres in order to protect the rights, interests and dignity of life of disabled persons, in the new regulations, while material benefits are being claimed with the objective of palliating life in particularly difficult circumstances, account has been taken of the special and increased needs of this part of the population.

226. With the rights and forms of social welfare that are laid down with the objective of meeting the vital needs and obviating the reasons why people's social welfare is put at risk, or the consequences of this being palliated, specific rights that a person can claim because of disability have been laid down. These include:

(a) **The right to be qualified so as to be able to live an independent life**, through which the claimant of this right is given vocational qualifications so he or she can live and work independently, or additional or extra training so as to be capable of working at some other appropriate work, full-time, all at the cost of the resources of social welfare, unless he or she can claim this right on some other basis. In addition:

(i) If the claimant is sent, for the purposes of being qualified to work and make a living, outside the place of his domicile, he or she has the right to financial assistance to cover the cost of board and lodging (in an institution or in a family) and financial assistance to cover the costs of transport;

(ii) If, in order to employ the claimant after he or she is qualified for working and making a living, it is necessary to convert some premises, provide machinery, other means or equipment for work and to enable the claimant to adjust to the technology and conditions of the work, the Ministry of Labour and Social Welfare will take part in the provision of these means up to the amount determined in the contract with a given interested company;

(iii) Persons with some mental or physical handicap, or psychological impairment, who have been made capable of working independently, have the right to a financial benefit up to the time they are employed;

(b) **The right to be qualified so as to live an independent life** is enjoyed by physically or mentally handicapped or psychologically impaired persons who, considering the kind, degree and

seriousness of the handicap, or the kind and seriousness of the psychological condition, can be made capable of looking after themselves on the basis of some special programmes for rehabilitation. Also, a claimant who has claimed the right to be qualified to live an independent life and for this reason goes to an establishment outside his place of domicile has the right to have the costs of board and lodging covered, and if he does not need lodging, then he has the right to financial assistance to cover the costs of transportation;

(c) **The right to a supplement for care and nursing** is ensured to a sick or disabled person who because of permanent changes in his or her health is vitally in need of the permanent care and nursing of another person, and cannot claim this right on any other basis. The realization of this right is subject to a means test, except for serious and very seriously disabled persons, and is given in full or in part;

(d) **Home care and nursing** can be claimed by a person incompetent to live independently, who because of changes in his or her health cannot independently meet vital requirements, and cannot look after himself or herself, and cannot be provided this by family members, and meets the regulation means test.

227. Apart from in the case mentioned above (for the purpose of being qualified to work and earn a living) a disabled person can be **lodged in another family or a social welfare establishment** if he or she cannot look after him- or herself and independently carry out the actions and activities appropriate to the age group, but, with respect to meeting vital needs, is dependent on the care of another person, if he or she has no chance of socially protective and other social needs being met by a supplement for care and nursing, the provision of home care and nursing, or the application of some other form of social welfare assistance, or if lodging in an institution, because of the specific needs of the client, is more effective than any other forms of social protection.

228. Because of awareness of the fact that apart from specific problems caused by a handicap, and accordingly of the different and increased needs of the whole family, the new Social Welfare Law has laid down a new right of a seriously handicapped child - the right to a personal disability payment. This right is just one of the recognitions of the distinctiveness and special needs of a seriously handicapped person, and its objective is to enable the person to stay in his or her own family. That is, we are aware that such handicaps, apart from the need to put increased effort into everyday life, also entail extra material costs, and the sum of all these factors has often resulted in a family being forced to put a disabled member in an institution. This newly established right would eliminate one of the basic reasons making it impossible for disabled persons to stay in their own families.

229. Apart from the rights that a disabled person can claim pursuant to the Social Welfare Law, we will mention some rights that can be claimed pursuant to some other regulations:

(a) Within the context of the Health Care Law (*Official Gazette*, No. 9/94):

(i) The right to orthopaedic and other aids;

(ii) The right to be exempted from participating in the covering of part of the costs of healthcare protection pursuant to the Decision about the participation of insureds in the costs of health care;

(b) Within the context of the Customs Law (*Official Gazette* Nos. 59A/91, 33/92, 26/93, 106/93 and 92/94): the right to claim customs exemption during the import of a passenger car as an orthopaedic or other aid;

(c) Within the context of the Labour Law (*Official Gazette*, Nos. 38/95, 54/95 and 65/95): the right of a parent to take leave up to the seventh birthday of a child or work half-time in order to take care of a child with serious handicaps;

(d) Within the context of the Decree about privileges in internal passenger transportation (*Official Gazette* No. 42/98): the right to privileges in the Republic of Croatia in railway and marine transportation;

(e) The right to privileged travel in international passenger transportation pursuant to the Convention that the Republic of Croatia ratified in May 1993, with a free ticket for a companion of a blind person;

(f) Within the context of the Law on determining the jobs and work assignments at which blind people disabled at work or blind disabled persons can be employed (*Official Gazette*, Nos. 12/79, 31/80, 47/89, 26/93 and 29/94), the criteria and the procedures for blind people being able to claim priority in employment categories defined in the law are laid down. This law lays down in detail all the jobs at which blind persons have to be given priority in employment (such as telephone operators, physiotherapists and others);

(g) The right to be exempted from radio and TV license fees (lit: subscriptions) pursuant to the Decision of the Managing Committee of HTV, on condition that the blind person is a member of the Croatian Federation of the Blind and is 100% disabled;

(h) The right to free post marked sekogram according to international law.

Article 10

230. Since the Republic of Croatia is a party to the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations in its resolution 2200A (XXI), the Convention on the Rights of the Child (resolution 44/25) and the Convention on the Elimination of All Forms of Discrimination against Women (resolution 34/180) as well as the Maternity Protection Convention 1919 (No. 3), Maternity Protection Convention (revised) (No. 103) and the Minimum Age Convention 1973 (No. 138) of the International Labour Organization, and has submitted reports on the implementation of these conventions to the appropriate bodies, the Government would refer to the respective parts of those reports as regards the rights laid down in this article of the Covenant.

231. In the legal system of the Republic of Croatia the word "family" has not a single and simple definition. The concept appears in a wider or narrower sense depending on the needs of the legal institutes by which the rights and duties among family members are governed and the welfare devices by which the community gives support to the family of a social protection nature as well as State intervention in family relations primarily to protect the rights and interests of the child and other persons who are not able to look after themselves. For example, in the regulations governing social welfare questions, a family is defined as follows: "A family is constituted by spouses, children and other kin who live together."

232. According to the census of 1991, of the 1,367,106 families, there were 370,166 married couples without children, 827,281 married couples with children, 140,143 single mothers and 29,525 single fathers.

233. According to the Constitution of the Republic of Croatia, the status of the family is defined within a framework of stipulations about fundamental human and civil rights and liberties. Article 61 of

the Constitution states that the **family is under the particular protection of the Republic**. Marriage and the legal relations inside marriage, in an extra-marital union and in the family are governed by legislation. Every person is guaranteed respect and legal protection for his personal and family life, his reputation and honour (art. 35, Constitution of the Republic of Croatia).

234. The Family Law (*Official Gazette* No. 162/98) governs marriage and relations within marriage, the relations of parents and children, adoption, guardianship, and the consequences of an extra-marital union of a woman and a man. The reciprocal rights and duties of parents and kin in the direct line to children and children to parents in the direct line are just the same whether children are born in or out of wedlock. An extra-marital union of a man and a woman creates the obligation of mutual maintenance and other rights about property and obligations under conditions prescribed by the Family Law.

235. People become adult in the Republic of Croatia on their eighteenth birthday. According to the stipulations of the Family Law of the Republic of Croatia a person who is eighteen years old, an adult, that is, can get married, with from justified reasons the court in a non-litigation procedure can allow a person who is sixteen to get married if it determines that the person is physically and psychologically mature enough for marriage. A minor becomes capable of looking after his or her own affairs if he or she marries. A minor older than 16 can also become capable of looking after his or her own affairs if he or she becomes a parent and if a court in a non-litigation suit decides that he or she is competent taking into account his or her mental maturity.

236. Although majority or legal competence is attained according to the previously stated conditions, a child's right to state its own viewpoints and wishes and to undertake certain legal matters is present in a number of legal provisions. A minor older than sixteen can acknowledge paternity or maternity if she or he is capable of understanding the nature of a declaration acknowledging parenthood. In the event of acknowledgement of maternity and paternity, if the child is fourteen years old and is capable of understanding the act of acknowledgement, his or her consent to the acknowledgement is required. In accord with the Inheritance Law, in the Republic of Croatia a minor older than 16 can draw up a valid will and testament. A child who is fifteen and is employed is allowed freely to dispose of his earnings but he is duty bound to make a contribution to his own keep. According to the Nationality Law, a child of 14 or over has to give his or her consent to acquire or renounce nationality.

237. According to the provisions of the Family Law children who are ten years old and over have a special status in cases in which questions relating to their status are touched on, for example:

(a) In the procedure of granting custody of a child to care and upbringing (fostering) the welfare centre can allow the child to obtain information about the circumstances of the case in a suitable way, to gain advice and to express his or her opinion, which will be taken into consideration in line with his age, maturity and best interests;

(b) According to the Law on Personal Name, a child of ten or over has to give his or her consent before a change of name (personal name and/or surname) can be carried out;

(c) According to the Family Law in the event of parental adoption, if the adoptee is older than 12, his or her consent is required for change of name and surname and the entry of the adoptive parent as parent.

238. The provisions of the Constitution and the Family Law guarantee the right and freedom to celebrate a marriage in a religious or civil proceeding according to the statement of the man and the woman. Thus article 24 of the Family Law stipulates the conditions for the existence of a marriage, the following being necessary:

(a) Bride and groom are of different sexes;

(b) Bride and groom have expressed their consent to the marriage;

(c) In the civil form the marriage is solemnized in front of a registrar or in the religious form in front of a clergyman of a religious community that has regulated its legal relations concerning this issue with the Republic of Croatia, and that has obtained a confirmation from the registrar of competence to marry. If at the time of the marriage any one of these conditions does not apply, the legal effects of civil marriage will not obtain.

239. The Family Law stipulates the conditions for the validity of a marriage. As well as the above-mentioned provision about the age limit for getting married, it is stipulated that someone who has been declared incompetent or incompetent to make judgements cannot enter into marriage. Exceptionally, the court may in a non-litigation procedure allow such a person to get married if it decides that the person is capable of understanding the significance of marriage and the obligations that derive from it and that the marriage is clearly in the person's interests. Marriage cannot be entered into by blood kin in the direct line, nor in the collateral line, nor between brother and sister, half brother and sister, a child with the brother or sister of a parent, children of brothers and sisters, and of half brothers and sisters. Similarly, the grandchildren of brothers and sisters (first cousins) or of half brothers and sisters cannot enter into marriage. Exceptionally, for justified reasons, the court can in a non-litigation procedure, allow marriage in the cases of first cousins or first cousins from half brothers or sisters. Marriage cannot be entered into by adoptive parent and adopted child, or by a person who is already married. A marriage entered into against these provisions is null and void and will be dissolved.

240. The regulations of the Republic of Croatia govern the forms and ways in which the family is protected, particularly through protection deriving from Family Law and Social Welfare.

241. In the protection and preservation of the family, the Family Law contains provisions that enjoin married couples that have their own or adopted minor children or children whom they are guardians of even after they have attained their majority to submit a request for the mediation of the Social Welfare Centre before they start divorce proceedings.

242. In the mediation procedure, the Social Welfare Centre will ask the couple about the reasons that led to the breakdown of the marriage, will attempt to obviate these reasons, and reconcile the couple. It will also acquaint them with the legal consequences of a divorce, and particularly with those that relate to the children. If the couples are reconciled during the mediation procedure, they cannot submit an application to repeat the proceedings within a period of six months from the day of being handed the minutes about the outcome of the mediation procedure.

243. In the Republic of Croatia there is a problem of "getting married" according to the customs of the Romany community, in which cases, according to the regulations in force, it is a matter of an extra-marital union. According to Romany customs, such unions are formed as early as the age of 12, marking them, according to the regulations of the Republic of Croatia, felonies, committed to the detriment of a child (it is formally classified as a sex crime). Experience has also shown that such Romany extra-marital unions are often unstable, easily broken, without society being able to try to help them through the institute of attempted conciliation, the situation of women from the point of view of property law being particularly difficult. In such unions the settlement of the questions of the status of children is particularly difficult.

244. Special protection is devoted to children. The Constitution of the Republic of Croatia determines parents as having the duty to bring up, maintain and educate children, and the Family Law contains

provisions about the rights of children and the care of parents for the realization of these rights of theirs.

The most important rights of the child are:

(a) The right to be looked after for health and life;

(b) The right to security and to be brought up in a family;

(c) The right to live with its parents;

(d) The right to choose its school and occupation.

Through these approaches, contemporary measures are respected, reflecting the need for a different, more qualitative and appropriate protection of the child in general, and including the relations between parents and children.

245. Parental rights belong equally to mother and father. It is the parents who are before all others responsible for making it possible for the child to realize its rights, and are duty bound:

(a) To look after the life and health of the child;

(b) To bring the child up and take care of its education;

(c) To protect the child from degrading treatment and corporal punishment from others;

(d) To look after it and provide for all its needs, and not to leave a child of pre-school age alone without the supervision of an adult person.

Parents have rights to do with the correct upbringing of the child, supervising its association with other persons, and, in particular, with respect to a child younger than sixteen, to restrict it from going out at night without their company or the company of another adult person in whom they have confidence between the hours of 23 and 05.

246. The Family Law also governs the legal institute of maintenance as a duty and right of parents and children, married and unmarried spouses, kin in the direct line, to the extent that they contribute to mutual maintenance according to their capacities and the needs of the maintained person. Any relinquishment of the rights and duties of maintenance is without legal effect. If necessary, for the protection of children, the State can intervene, pursuant to legal provisions, through the system of measures, family law protection, and the realization of rights deriving from social welfare protection.

247. In the event that parents act against the interests of their children, the Social Welfare Service or the court according to the Law will intervene by handing out appropriate measures of family law protection, and if the legal assumptions are met, the care and guardianship are added to, limited or abolished. The Family Law prescribes the following measures of family law protection:

(a) Warning parents about mistakes and shortcomings in the care and bringing up of a child;

(b) Supervising parental care;

(c) Taking away the right of a parent to live with and bring up a child;

(d) Sending a child in which disturbed behaviour has occurred to a Social Welfare institution;

(e) Taking away parental care and guardianship.

248. The first two measures are of a preventive nature, and parental care is only added to through them, while the implementation of the other measures puts a division between child and parent and in this way parental care is limited or eliminated.

249. A new departure in the Family Law is that in the family violent behaviour, either of a spouse, or of any adult member of the family, is forbidden, and in the event of such behaviour, a punishment for a misdemeanour of 30 days imprisonment will be imposed.

250. Mothers and young people have the right to particular protection at work (art. 64 of the Constitution).

251. Measures for the protection of motherhood include rights that employed women have in the Republic of Croatia pursuant to the Labour Law, and that women who are self-employed, tradeswomen, farming women, women who do some other job, and unemployed mothers and retired mothers have pursuant to the Maternity Leave (Self-Employed and Unemployed Mothers) Law. The protection of motherhood includes the protection of women at work because of their reproductive function, and protection and rights in connection with pregnancy, childbirth and the care of children.

252. We reported on the protection of women at work in connection with article 7 of the Covenant. The overall protection given to women at work is stepped up when it is a question of the protection of a woman who is pregnant or nursing.

253. The regulations about jobs in which a woman may not be employed include jobs in which women may not be employed when pregnant or nursing, jobs dangerous to the life or health of the mother or the life or health of the child.

254. Thus during pregnancy a woman may not in particular do the job of a fire-fighter, jobs done at heights, jobs in an unfavourable microclimate, jobs in a noisy or vibrating environment, jobs at elevated air pressure, jobs during which the worker is exposed to ionizing and microwave radiation, to smoke of lead and its inorganic compounds, tetraethyl lead, fumes of mercury and dust of mercury compounds, dust and smoke of manganese and its compounds, uranium and its compounds, fluoride and its compounds, carbon disulphide, halogen derivatives of hydrocarbons, benzene and other homologues, nitro and amino derivates of benzene, chemical and other matters in the production and processing of artificial resins and plastics, pesticides based on chlorinated hydrocarbons, and biological agents, viruses: hepatitis B, herpes, cytomegalo, varicella, rubella, HIV and the bacteria listeria and toxoplasma.

255. While breast feeding a child a woman may not in particular do jobs in which she is exposed to dust, smoke and fumes of lead and compounds, halogen derivatives of hydrocarbons, pesticides on the base of chlorinated hydrocarbons.

256. If a woman does work at a job that threatens her life and health or the baby's life and health, the employer has to transfer her to another appropriate job. If there is no agreement between the employer and the pregnant woman or the nursing mother about which kind of transfer is appropriate, only the authorized physician is competent to judge if this kind of transfer is appropriate. The temporary transfer of a pregnant woman or nursing mother must not have the consequences of her wages being reduced, nor can such a transfer be to another place of work, without her consent.

257. Since it can reasonably be anticipated that small employers, as they are called, that is, employers who employ five or less than five members of staff, will not be able to provide appropriate redeployment for a pregnant woman or a woman who is nursing a child, such women have the right to leave with compensation for wages according to special rules, and the procedure related to and conditions for being able to claim the right for such a leave are prescribed in the Regulations about the Conditions and Procedure for Claiming the Right to a Leave for a Pregnant Woman or Nursing Mother.

258. According to the provisions of the Labour Law, an employed woman has the right to maternity leave during pregnancy, childbirth and childcare (art. 58, Labour Law). An employed woman may start taking this leave 45 days before the anticipated delivery (as determined by the competent physician) and can continue with the leave until the baby's first birthday, and for twins, for a third and each subsequent child, until the child's third birthday. An employed woman must take maternity leave in the period from 28 days before the delivery until the child is six months old (obligatory maternity leave). If the child is born prematurely, the maternity leave (not just the obligatory part) is prolonged by the amount of time the child is born prematurely. An employed woman exceptionally at her own request has the right to work before the child is six months old but not before the expiry of 42 days after the delivery. After the expiry of this obligatory maternity leave, if the parents so agree, the right to the maternity (lit. childbirth) leave can be taken by the child's father.

259. If an employed woman is delivered of a stillborn child or if the child dies before the maternity leave is over, the employed woman has the right to continue taking the maternity leave for as long as is necessary, according to the findings and opinion of the competent doctor, for her to recover from the delivery and the psychological condition caused by the loss of the child, and at least for forty-five days. During this time she can claim all the rights arising from maternity leave (art. 64, Labour Law).

260. After the expiry of the obligatory maternity leave, an employed woman has the right to work half-time until the child's first birthday, or third birthday in the event of twins, a third and every subsequent child. This right to work half-time can be claimed by the child(ren)'s father if the mother works full-time during this period.

261. After the child's first birthday, if the child is, in the opinion of the competent physician, for its health and development, in need of increased care, one of the parents, according to the health insurance rules, has the right to work half-time until the child's third birthday.

262. After the expiry of the maternity leave, one of the parents has the right not to work until the child's third birthday, during which time the rights and obligations of employment are in abeyance, and the rights to health insurance and health care and the right to retirement and disability insurance can be claimed in line with regulations that govern this area (art. 62, Labour Law).

263. When the maternity leave is over, or adoption leave, or half-time work, the employee who has used one of these rights is assigned to the job that he or she did before using this right, or if the need for such a job to be done has ceased, then he or she is assigned to another appropriate job.

264. A woman who after the taking of maternity leave, or working half-time, continues nursing her child has the right to a pause for this purpose (art. 160, Labour Law). If she works full-time, a woman who nurses her child has, for this purpose, the right to an hour's break twice a day, and can claim this right until the child's first birthday. The break is counted into working time, and the wages that accrue to the woman on this basis are calculated according to special regulations made by the Minister of Labour and Social Welfare with the consent of the Minister of Health.

265. While using maternity leave and while working half-time, the employee has the right to compensation for wages according to the health insurance rules.

266. Parents of children who are seriously handicapped can also claim additional rights. One of the parents of a severely handicapped child can claim the right to leave to care for the child or the right to work half-time until the child is seven years old. The said right can be claimed by only one of the parents on condition that both the parents are in full-time employment, and by the parent who looks after and cares for the severely handicapped child, or the employed parent, if the other parent who is not employed is not capable, because of his or her physical and/or psychological condition, of looking after a severely handicapped child.

267. Exceptionally, one of the employed parents can claim one of these rights while the other parent who is not employed is doing military service or is in the reserves or in remand or imprisoned for a period of longer than 30 days, and this right can be claimed by a father while the mother is taking the obligatory maternity leave.

268. After the claim to these rights ceases with the child's seventh birthday, one of the parents of a severely handicapped child still has the right to work half-time. In each of these cases the parent who claims this right has the right to compensation for wages according to special regulations, and the charge for this compensation falls upon social welfare.

269. The rights laid down for the protection of maternity and the bringing up of children can, under conditions identical to those for parents, be claimed by adoptive parents or a person who on the basis of a ruling of the social welfare authorities is confided the fostering of a child (art. 67, Labour Law).

270. Taking into consideration the need for special adaptation for both child and adoptive parent, the legislator prescribes adoption leave of 270 uninterrupted days, from the date of adoption, for one of the parents if the child is older than the age foreseen in the Labour Law for the claiming of rights for the protection of maternity and the raising of children. This is on condition that the adoptive parent's spouse is not the (natural) parent of the child. During adoption leave, the adoptive parent has the right to compensation for wages according to the health insurance regulations.

271. The Labour Law, article 56, expressly forbids discrimination against pregnant women. An employer cannot refuse to employ a woman because of her pregnancy, cancel her employment contract or, except in cases allowed by the Law, reassign her to other work. So an employer is not allowed to seek any information about a woman's pregnancy or direct any other person to do so. An employer may ask for such information if an employed woman applies for a certain right foreseen in the law or other regulation for the protection of pregnancy.

272. In connection with the protection of maternity and the raising of children, the legislator held it necessary to make special standards forbidding dismissal. Thus during pregnancy, the taking of maternity leave, claiming the right to work half-time (for parent or adoptive parent), claiming the right to parent's or adoptive parent's leave in the case of a severely handicapped child, an employer may not dismiss the pregnant woman or person using one or other of these rights. The Labour Law extends this protection against dismissal for 15 days after the cessation of pregnancy or the period in which these rights are claimed.

273. If an employer, in ignorance of the existence of circumstances because of which dismissal is not possible, does dismiss an employed woman who can claim one of the previously mentioned rights, the dismissal is not valid if the employed woman, in a period of 15 days of the delivery of the dismissal notice, informs the employer about the said circumstances and brings the appropriate certificate of an

authorized physician or other authorized body. The ban against dismissal does not apply to cessation of an employment contract entered into for a given period of time. Such a contract ceases with the expiry of the period for which it was entered into.

274. Article 63 of the Labour Law says that a mother with four or more children has the right to the status of mother-upbringer, according to special regulations. When she attains this status, an employed or unemployed woman has the right to a monetary compensation (i.e. a benefit), to retirement and disablement insurance, health insurance and other rights in accord with the special regulations that will order these rights.

275. In the Republic of Croatia, the rights of women who are not employed, women who are self-employed and mothers who receive pensions for maternity leave are regulated by the Law concerning the maternity leave of self-employed and unemployed mothers (*Official Gazette*, Nos. 24/96 and 107/97).

276. Pursuant to this Law, an unemployed mother has the right to maternity leave if she gives birth to twins, to a third or subsequent child, on condition that she is a Croatian citizen and has been domiciled in the Republic of Croatia for at least three years before making an application for maternity leave.

277. An unemployed mother has the right to maternity leave from the day of the child's birth until the child's third birthday.

278. A mother who is self-employed has the right to maternity leave during pregnancy, delivery and childcare, under conditions identical to those enjoyed by employed women. After the expiry of the mandatory maternity leave, if the parents so agree, the right to the remaining part of the maternity leave can be claimed by the child's father.

279. A mother who receives a pension has the same right to maternity leave and a benefit during the period she claims the maternity leave as an unemployed mother.

280. In the event a self-employed mother or an unemployed mother gives birth to a stillborn child or if the child dies before the end of the maternity period, she has the same right as an employed mother.

281. Adoptive parents or foster parents can claim the rights described in this law under equal conditions.

282. Time in which the mandatory maternity leave is taken, or maternity leave up to the child's first or third birthday, is counted in the retirement seniority of a self-employed mother as a single length of insurance seniority.

283. A self-employed mother or an unemployed mother has the right to a monetary benefit during the period of the mandatory maternity leave, and during maternity leave up to the child's first or third birthday, according to the provisions of the Health Insurance Law.

284. The amount of the maternity benefit during the time in which rights derived from maternity protection are claimed is determined by the regulations about health insurance and welfare. Article 33 of the Health Insurance Law says that the benefit is determined from the benefit base constituted by the average amount of pay paid to the insured woman in the six months immediately preceding the month in which the event on the basis of which the right to a benefit can be claimed occurred.

285. Pursuant to article 34, the benefit is 100% of the benefit base for women: a) during sick leave because of complications during pregnancy; and b) while claiming the mandatory maternity leave (the period from 28 days before the delivery to the time the child is six months old).

286. Article 25, paragraph 2, of the Law says that the right to a benefit during the time the mandatory maternity leave is being taken, to maternity leave up to the child's first or third birthday, adoption leave, the right to work half-time until a child's first or third birthday, during the time leave is being taken because of pregnancy or nursing a child in a case as defined by article 57 of the Labour Law, and absence from work because the right to a break for nursing is being claimed according to article 60 of the Labour Law, and the right to a benefit for unemployed mothers while they take maternity leave for twins, a third or each subsequent child is provided at least in the amount of the lowest sum prescribed by the Budget Execution Law if a benefit determined in this way is more favourable than a benefit determined according to (the provisions of) the Health Insurance Law.

287. The benefit for claimants of the right to a benefit during the time in which maternity leave between the time the child is six months old and its first birthday, of adoptive parent's leave and of working half-time up to the child's first birthday cannot be more than the highest amount of benefit determined by the Budget Execution Law. The lowest compensation set in the Budget Execution Law is in the amount of 1,600 kuna.

288. The benefit during the time of a maternity leave between the time the child is six months old and its first birthday is between 1,600 kuna and a maximum of 2,500 kuna, depending on the average amount of wages paid to the claimant in the six months immediately before the right to maternity leave is claimed.

289. Benefit during the period in which maternity leave is taken from the first to the third birthday of the child, adoptive parent's leave, working half-time between the child's first and third birthday, the leave which a pregnant woman or nursing mother has the right to if an employer employs 5 or fewer than 5 employees and is not able to provide her with other appropriate employment, and benefit during the time the unemployed mother's maternity leave is being taken amounts to 1,600 kuna. This sum is also the base for the calculation of the compensation for wages during the pause for nursing a child as described in the Labour Law.

290. An unemployed mother who has given birth to twins, a third and every subsequent child and can claim the right to a benefit from the Croatian Employment Institute is paid the difference of the benefit for maternity leave up to the lowest amount prescribed by the Budget Execution Law, or 1,600 kuna.

291. Similarly, a mother who receives a pension is paid the difference of the maternity leave benefit if she receives a pension in an amount lower than the amount of the maternity leave benefit.

292. In 1996, there were 28,858 employed women on obligatory maternity leave, 18,819 on additional maternity leave up to the child's first birthday and 6,305 on additional leave up to the child's third birthday.

293. The regulations about claiming the right to leave up to a child's seventh birthday and of working half-time because of caring for a child with a serious handicap say that a parent who works half-time has the right to compensation for wages for the rest of the time up to full-time work in the amount of the difference between the net pay he or she makes working half-time and the net pay he or she would make working full-time.

294. Benefit is paid to a parent by the Financial-Economic Affairs Administration of the Ministry of Labour and Social Welfare on the basis of an employer's certificate about wages actually paid, and the pay that should be paid to a parent for half-time work.

295. If during the time spent working half-time a parent takes his or her annual holiday or takes sick leave, then the appropriate amount of benefit is due.

296. A parent who takes leave until a child's seventh birthday has the right to a benefit in the amount of five bases for claiming rights on the basis of social security, and the benefit is paid to the parent by the Financial-Economic Affairs Administration of the Ministry of Labour and Social Welfare.

297. Starting from the provisions of the Constitution which says that children cannot be employed before the age determined by the law or forced to do work that endangers their health or morality, or even be allowed to do such work, the Labour Law prescribes special conditions for the employment of minors.

298. The Labour Law in article 14 says that a person younger than 14 cannot be employed. However, persons younger than 15 may, exceptionally, with the prior approval of a Labour Inspector, receive a fee for taking part in the shooting of films, the preparation and execution of artistic, stage or similar works, in a way, and to an extent and at jobs that do not endanger their health, morals, education or development; the Labour Inspector will issue an approval on the basis of an application from the legal representative of a minor below the age of 15.

299. A person older than 15 but younger than 18 can be employed, but to enter into an employment contract must have the written authorization of a legal representative. A legal representative or guardian may give written authority to a minor older than 15 to make a certain employment contract, by which the minor achieves business capacity to make and dissolve this contract and to take all legal actions in connection with fulfilling the rights and obligations of this contract or in connection with this contract. The guardian can give a minor this kind of authorization only on the basis of the prior approval of a Social Welfare Body.

300. Legal affairs for the undertaking of which the legal representative needs the approval of a Social Welfare Body are excepted from this authorization to make a given contract. A legal representative may help or limit the authorization for entering into a certain employment contract, or can end the employment in the name of the minor.

301. The Labour Law in article 16 says that a minor may not be employed at jobs that can jeopardize his or her health, morality or development. The Minister of Labour and Social Welfare, who is authorized by the law to determine the nature of such jobs with the agreement of the Minister of Health, has prescribed *regulations* about jobs that a minor may not be employed in and about jobs that a minor may be employed in only after prior ascertainment of the minor's health, so that the minor cannot be employed at jobs that are, according to the protection at work regulations, defined as jobs with special work conditions and at jobs that are, according to the retirement and disability insurance regulations, defined as particularly difficult and harmful to health and at which extra time is calculated for the purposes of insurance seniority.

302. Article 40 of the Protection at Work Law says that minors cannot undertake jobs with special conditions of work, may not work at night or overtime, except in cases laid down by the Labour Law. A minor cannot be engaged in jobs in casinos, game saloons, discos, nightclubs or night bars, nor in other, similar, jobs.

303. A minor older than 15 can be employed in all other jobs, but only after it has been ascertained that his or her health is such that he or she is capable of doing these jobs, as determined by the authorized occupational medicine health- care establishment, which issues, on the basis of the state of affairs as determined, a certificate about the medical capacity of the minor to undertake certain jobs in which there is also mentioned a period for the repeat of the check-up, which cannot be longer than six months.

304. In cases when the minor is employed at jobs that can harm his or her health, morality or development, the employer is bound, at the request of the minor, the parents or guardian, the employees' council, the union of the Labour Inspector, to reassign the minor to some other, more suitable job, and if there are no such jobs available, then to dismiss the minor in the manner and under the conditions as prescribed by the Law.

305. A Work Inspector, if he or she suspects that the job being done by a minor is a threat to his or her health or development, can at any time at all require the employer to have an authorized physician give the employed minor a check-up and in the findings and opinion to evaluate whether the job that the minor is engaged in is a threat to his or her health or development. On the basis of the findings and opinion of the authorized physician, a work inspector can forbid a minor to be engaged in certain jobs.

306. A minor is forbidden to engage in night work, unless this work is absolutely necessary because of some *force majeure*. Night work is defined, for a minor employed in industry, as work during the time between 19 and 07 hours, and for a minor employed outside industry, for work between 20 and 06 hours. However, a ruling of the Minister of Labour and Social Welfare, in the case of a serious danger or in order to protect the national interest, can temporarily lift the ban on night work for minors.

307. Along with the postulates about the special protection to be afforded to minors laid down in the Constitution, the most important reason for the absence of any such problem is the free and obligatory education for all children. The Law on Elementary Education says that parents or foster parents are bound to enrol a child in elementary school at the proper time, take care that the child attends school regularly and performs other school obligations. Failure to behave in line with this provision results in parents or guardians being liable to be charged with an offence. Elementary schools, in addition, are bound to inform the borough or city administration, schools department, about school-age children who have not enrolled in, or do not regularly attend the school.

Article 11

308. The legislation of the Republic of Croatia prevents the undertaking of any measures that might have a negative effect on the production of quality food. The Ministry of Agriculture undertakes measures to protect agricultural production through the Agricultural Land Law, which prescribes the obligation to pay a levy when agricultural land is not used any more for agricultural production. To use the funds derived from this levy the more effectively, they are brought together at the level of the Ministry of Agriculture and Forestry and used to carry out programmes and measures to bring new areas under cultivation and to make existing cultivated areas more productive.

309. Apart from this, the Law steps up the protection of land against pollution from harmful substances, so that healthy food can be produced on it. The Ministry of Agriculture and Forestry has produced special *Regulations about the protection of Agricultural Land against Harmful Substances*.

310. The Law on Amendments to the Agricultural Land Law prescribes the creation and sphere of influence of an Agricultural Land Institute. The Institute has been set up to take care of matters pertaining to the protection of agricultural land from pollution by harmful substances, which include:

(a) Determination of the level of pollution of agricultural land;

(b) Permanent monitoring of agricultural land, in which there is permanent monitoring of the state of all changes to the agricultural land (physical, chemical and biological), and particularly the content of harmful substances in agricultural land;

(c) The creation of an agricultural land database that includes all data on the agricultural land of the Republic of Croatia including results of the establishment of the degree to which agricultural land is polluted, and the permanent monitoring of the condition of agricultural land.

311. Furthermore, the Managing Council of the Institute makes up programmes for testing and permanent monitoring of the degree of pollution of agricultural land with harmful substances and monitors the implementation of these programmes.

312. According to data about the state of the nourishment of children and young people with the application of WHO criteria, it can be concluded that the distribution of anthropometric indices of test subjects is similar to the reference distribution. However, a mild shift to the right can be seen, towards higher values of the z axis for height for the age group, and a mild shift to the left, towards lower values of the z axis for the weight to height index, which indicates that the tested population is somewhat taller and thinner than the reference.

313. The state of the nourishment of the adult population (18-64) based on the evaluation of the Body Mass Index (BMI) shows that in this group there are on average 8.3% of extremely thin people, 35.5% with a standard body mass, and 56.2% with increased body mass, including those that are actually obese.

314. As for the dietary habits and the quality of the food of the population of Croatia, on the basis of an analysis of the energetic and dietary composition of the daily meals, and of the quantity of protein, fat and carbohydrates, with certain variations and specificities in regional food, no great divergence from the recommended mean values has been determined for the groups tested. This also shows that the quantity of food consumed is satisfactory.

315. It is important to stress that analysis of the quality of the diet of all segments of the population shows that the composition of individual protective substances (some vitamins, calcium, iron) is lower than the recommended daily intake. This is partially the consequence of incorrect dietary habits, and also of the absence of the intake of biologically more valuable food items, often more inaccessible for economic reasons.

316. Data about the market prices of flats and houses cannot be expressed as a mean for the whole area of the Republic of Croatia because there are great many specific elements that affected the market price of housing units in the period at issue.

317. The market price of houses and flats in the Republic of Croatia depends on many factors, primarily on supply and demand, with a special emphasis being placed on the fact that a great factor in the market price of dwellings in the Republic of Croatia was the closeness of direct danger of war and the problem of accommodating so many displaced persons and refugees; only in this context could trends in the purchase price of flats and houses be considered.

318. Data about the average price of **building** (i.e. the construction of) flats in the Republic of Croatia do not include land prices or the laying on of utilities to the plots.

319. The prices of land and utility supplies depend on the particular settlements, locations in the settlement and the degree to which the plot is equipped with utilities, and according to the estimate of this ministry this price ranges between 25% and 70% of the price of construction, the amount necessarily being added to the price of construction; i.e. the element of land and infrastructure accounts for from 15% to 45% of the purchase price.

320. Thus the market price of flats and houses because of these factors and because of all the events in the previous five-year period in the Republic of Croatia is not a relevant indicator of economic and other trends; such an indicator can be found in the construction price for dwellings, which includes the price of materials, labour and machinery in its structure.

321. The standard of housing in Croatia before the war was lower than one would have expected, based upon the degree of socio-economic development the country had attained. Today the standard family home in Croatia consists of a two-room apartment or total of 50 square meters for approximately 2.5 persons on the average.

322. According to the statistical data in the Republic of Croatia 98% of apartments have electricity, 72% have running water and 25% central heating. As a rule, these apartments are found in the urban areas and were built according to building standards and codes where the level of infrastructure was high. In rural areas, the situation, on the average, is worse, varying, however, from area to area. In rural areas 90% of houses have electric power, slightly over 40% have running water and slightly more than 10% have central heating.

323. Over 590 settlements in Croatia suffered damage during the war, with 217,900 housing units destroyed and damaged which equals US$4.81 billion (30.62 billion kuna) in estimated damage. Over one million people have lost their homes or live in unsuitable conditions. The destruction of apartments and family houses occurred essentially in the areas affected by the war, with serious implications for the general population. However, the destruction of power plants and long-distance transmission cables caused a difficult situation in southern Croatia, especially during 1993. Cities, such as Split, Zadar, Šibenik, Dubrovnik, had no electricity, or only intermittent power for months, which also meant that they had no running hot or cold water. Damage to the infrastructure such as water supplies, sewage system, electrical power, and other utilities is estimated at more than US$2.78 billion (17.85 billion kuna).

324. Lack of electricity and water supply caused additional problems – most sewage and wastewater disposal systems needed electricity for their motors, generators and pumps. In addition, there was a serious drought in south Dalmatia, and the danger of outbreak of epidemics of various infectious diseases was very high. Larger epidemics were avoided only by preventive actions taken by the health-care service.

325. The Republic of Croatia backs the housing program as its priority program of reconstruction, since it represents the first precondition for the return of life to its war-torn areas. Accordingly, an institutional, legal and financial framework has been established for the implementation of this program. Since 1995, the Ministry of Reconstruction and Development has been organizing the steady reconstruction of dwellings based on the principle of "free of charge" reconstruction, and equipping them with basic household objects. By mid-October 1999, about 93,000 housing units had been restored and reconstructed. The value of the capital investment comes to US$1.28 billion (9 billion kuna).

326. The Republic of Croatia has an area of 56,538 square kilometres, the area of the sea being 33,700 square kilometres. The country can be divided into three clearly defined parts in terms of topographical features:

(a) The Pannonian zone, with an area of about 28,000 square kilometres;

(b) The mountain zone, with an area of about 10,000 square kilometres;

(c) The coastal and island zone with an area of about 18,000 square kilometres.

327. Each of these zones has its own particular climatic, hydrological and hydrogeological features. Croatia is rich in water of different types, but it is unevenly distributed. As sources of drinking water the main intakes for public water-supply systems are 90% underground sources, surface water contributing about 10%. Seawater is almost not used at all for the purpose of water supply, and is employed only for industrial purposes.

328. Some 73% of the population in Croatia use public main water-supply systems (in urban areas 80.2%, in rural areas 44.1%). The rest of the population takes its water from wells, intake from small springs and from rainwater cisterns.

329. Suitable drainage systems and sewage systems are used by 51.2% of the population of the Republic of Croatia, i.e. 71.3% of the urban and 25.5% of the rural population.

330. There are 150 water companies, with 412 public water-supply systems. The provision of mains water systems in Croatia, if those from the ancient period are excepted, dates from 1858, when a water main was built in Pula; in Zagreb mains water was introduced in 1878, in Senj and Opatija in 1884, in Osijek in 1889. It has been estimated that by World War II (1940) 20% of the population of Croatia was supplied with water from main water supplies. In 1991 63% of the population took its water from public supply systems. The aggression against Croatia resulted in the destruction of 10% of the capacity of the public water-supply systems, and 200,000 people were threatened with water shortage. Although at war, by 1995 Croatia had managed to increase the drinking water supply by about 5%.

331. The principal sources of drinking water in Croatia are rivers such as Sava, Drava or Mura. However, a large portion of the water supply is obtained from specially constructed cisterns that collect rainwater. Such cisterns are prominent in southern Croatia, especially the Dalmatian coast, Dalmatian hinterland and the Dalmatian islands. During summer months, many cisterns become dry, causing considerable difficulties for the local population. Many people resort to obtaining water from local rivers and streams. In many instances the water is pumped from the streams, then transported and emptied into empty, dry cisterns or wells.

332. The degree to which drinking water is supplied from public water-supply systems is different from county to county (see table 1). In six counties, no more than 50% of the population uses drinking water from public water-supply systems.

333. It has been estimated that in 1998/99, the level of supply was about 73%. This estimate is based on data that in the last 20 years public water-supply systems have been developing with an annual growth rate of about 1%.

Table 1: The degree to which the population is supplied with drinking water from public water-supply systems, by counties (1995)

County	Population	Per cent supply	
		Number	%
Bjelovarsko-bilogorska	141,100	46,500	33
Brodsko-posavska	175,000	58,600	34
Koprivničko-križevačka	129,900	46,800	36
Vukovarsko-srijemska	231,200	94,300	41
Požeško-slavonska	134,500	56,000	42
Sisačko-moslavačka	287,000	139,400	49
Virovitičko-podravska	104,600	57,000	55
Osječko-baranjska	311,100	183,200	59
Zadarska	272,000	168,000	62
Ličko-senjska	71,200	45,600	64
Krapinsko-zagorska	149,600	96,900	65
Karlovačka	174,100	124,000	71
Varaždinska	197,300	139,900	75
Međimurska	119,900	90,800	76
Istarska	204,300	164,100	80
Zagrebačka-grad Zagreb	1,034,900	849,400	82
Šibensko kninska	109,200	91,600	84
Primorsko-goranska	323,100	286,600	88
Splitsko-dalmatinska	474,000	423,500	89
Dubrovačko-neretvanska	126,300	114,200	90
CROATIA	**4,784,300**	**3,274,200**	**68.4**

334. Some industrial facilities, especially those located in the bigger cities, are a considerable threat as potential polluters of water. In Zagreb, for example, some pumping stations have had to be closed because they were polluted with chemical substances let out in factory waste. Unfortunately, Zagreb, like other great cities, has no system of water purification, and for this reason it cannot reduce the pollution of the water.

335. There are critical situations in drinking water supply in counties and regions that are poor in permanent sources of drinking water and in areas where the settlements are scattered and in awkward relief conditions. The Adriatic islands (except for the islands of Cres, Lošinj, Krk and Rab) and the interior away from the coastline are counted as critical areas from the point of view of having their own supplies. In the counties of the inland part of the Republic of Croatia the situation with respect to sources of water is better, but the actual supply from public systems is inadequate.

336. In the big cities, not all households obtain water from the mains. Some of the population, particularly in the suburbs, use cisterns as well, whether individual (each house having its own cistern) or common. The situation is similar with respect to the sewage system - the central system does not embrace the entire city (in the suburbs people let their effluent go straight into the ground).

337. Public water companies deliver their consumers drinking water in line with Croatian regulations (Regulations about the Health of Drinking Water), which have been adjusted to the regulations of the EU. Laboratory testing of samples of water, to test its healthiness within the framework of public sanitation supervision, is done in the Public Health Institutes of the counties, in the Croatian Public Health Institute, and other establishments authorized by the Ministry of Health.

338. Today, when the war is completely over, it is possible to approach the problems of housing and water supply in Croatia more seriously. Considerable efforts have been put in to reconstruct damaged houses, repair damaged infrastructure and provide the entire infrastructure necessary such as running water, electricity and sewage systems. Some laws in this domain in Croatia, such as the Environmental Protection Law, are being re-examined and drawn up again. New laws will ensure the implementation of preventive measures and foresee better supervision and large fines for disregard of the laws.

339. As already mentioned, many of the cities and towns on, particularly, the Dalmatian coast suffered great disturbance in the supply of water and electricity of various lengths, but sometimes for months. The sewage and waste disposal systems were also hit. Emergency measures, where and when they were carried out, could manage to settle only a small part of the problems of the population affected. It is hard to give an exact number, but it is estimated that about 50% of the population was, and some still are, without basic services in the region of fresh water and effluent disposal. The arrival of a large number of displaced persons and refugees to the areas affected, some of which had had their housing facilities severely damaged, exacerbated an already difficult situation. This problem also arose with the refugees involved in the process of reintegration into areas where they had lived before.

340. Nevertheless, the water-supply systems are still working, even in areas that suffered serious war damage, but the quality varies. In Vukovar, in particular, although the water-supply system is working, the water obtained from it is of dubious quality, and is seen as a source of increased incidence of water-borne disease, such as dysentery and hepatitis. In the reintegrated areas it is mainly a rural population that is living, and in the countryside wells were used from which water was obtained the quality of which varied from acceptable to extremely good. One exception is the water-supply situation in Okučani where the Sava River flooded and caused the wells in the area to become contaminated. Also, poor quality water has been identified in Daruvar. Here the water purification plants were shelled during the hostilities, and the water-supply system delivers dirty water with an unpleasant smell. The local authorities have sought purifying substances, mainly chlorine, in order to improve the situation.

341. The healthiness and quality of water depends primarily on its natural composition, and then on the proper protection of current and future drinking water resources, the definition of protection zones as foreseen in the legislation. It should be stressed that in Croatia there are still a certain number of water resources for which protective sanitary zones have not been delimited, and where they do exist, the provisions governing the activities that can go on in a given zone are often broken.

342. The results of the testing of the safety of drinking water from 1992 to 1998 are shown in table 2. Taking them altogether, we can be satisfied with the safety of water from public water-supply systems. In the last few years, the number of unsatisfactory samples was well below 10%. From analysis of the causes of the dissatisfaction we can say that no toxic chemical substances at levels above the reference were found, and there were negligible amounts of pathogenic bacterial species.

Table 2. Water safety testing findings between 1992 and 1998

Year	Chemical			Microbiological		
	Samples tested	Unsafe		Samples tested	Unsafe	
		Number	%		Number	%
1992	23 080	3,392	14.7	24,498	1,845	7.2
1993	23,954	1,106	4.8	23,867	2,592	10.8
1994	25,160	1,853	7.4	27,435	2,181	7.9
1995	22,312	1,177	5.3	24,453	1,680	6.9
1996	20,436	706	3.5	21,035	1,509	7.1
1997	22,511	1,987	8.8	24,007	2,166	9.0
1998	25,054	1,555	6.2	27,004	2,572	9.5

343. Table 3 shows the results of the checking of the healthiness of drinking water from public water supply systems by county in 1998.

Table 3. Water safety-testing findings by county, Croatia 1998

County	Chemical			Microbiological		
	No. of samples	Unsafe	%	No. of samples	Unsafe	%
1 Bjelovarska-bilogorska	1,005	192	19.1	686	103	15.4
2 Brodsko-posavska	265	131	49.4	425	59	13.9
3 Koprivničko-križevačka	1,232	23	1.9	1,257	20	1.6
4 Vukovarsko-srijemska	630	183	29.0	1,506	83	5.5
5 Požeško-slavonska	243	4	1.6	457	112	24.5
6 Sisačko-moslavačka	1,344	41	3.1	1,357	83	6.1
7 Virovitičko-podravska	441	40	9.1	471	50	10.6
8 Osječko-baranjska	1,980	73	3.7	1,844	246	13.3
9 Zadarska	942	22	2.3	914	191	20.9
10 Ličko-senjska	528	23	4.3	528	99	18.7
11 Krapinsko-zagorska	688	25	3.6	691	107	15.5
12 Karlovačka	1,968	13	0.7	2,049	281	13.7
13 Varaždinska	306	158	51.6	431	7	1.6
14 Međimurska	576	1	0.2	576	27	4.7
15 Istarska	621	77	12.4	603	93	15.4
16 Zagrebačka + city of Zagreb	3,181	200	6.3	3,182	178	5.6
17 Šibensko-kninska	1,011	6	0.6	1,011	182	1.6
18 Primorsko-goranska	1,664	155	9.3	2,754	376	13.6
19 Splitsko-dalmatinska	3,779	12	0.3	3,474	167	4.8
20 Dubrovačko-neretvanska	879	103	11.7	1,013	67	6.6
Croatian Institute for Public	1,771	73	4.1	1,773	41	2.3
CROATIA	25,054	1,555	6.2	27,004	2,572	9.5

Source: Lovric, E. & Gereš, D.: Javna vodoopskrba u Hrvatskoj - opskrbljenost, razvoj i zdravstvena ispravnost, II stručni skup "Voda i javna vodoopskrba", Primošten, 7-10.10.1998., Zbornik radova, str. 1-14. Hrvatski zavod za javno zdravstvo: Hrvatski zdravstveno-statistički ljetopis, 1992-97.

344. The cost of the direct damage to sanitary and utility infrastructure and equipment (processing plant) in Croatia is in excess of 35 million kuna (US$7 million), and the direct damage to the water supply system comes to almost 150 million kuna (US$30 million). Many of the damaged or destroyed facilities and items of equipment have already been renewed using local financial resources, but the reconstruction of some of them is still to come. The priority is in investment in water supply and utility facilities to make them ready for rapid use, as follows:

(a) The reconstruction of water supply systems in areas seriously damaged in the war;

(b) Repairs in the water supply and utility facilities in urban centres (e.g. Zadar, Split, Karlovac, Zagreb, Sisak, Novska, Varaždin, Bjelovar, Virovitica, Gradiška, Požega, Slavonski Brod, Vinkovci and Osijek) where existing facilities are overloaded because of pressure of demand, particularly from refugees and displaced persons from Croatia and B-H;

(c) Reconstruction of water supply systems, purification plant, and utility systems in the reintegrated areas;

(d) Improvement of utility systems in the whole of Croatia, particularly in the areas of the Adriatic drainage basin.

345. Water supply planning is done at three levels: central, for the State, county, and city or borough. The Water Law of 1995 foresees that the use of water has to be governed on the basis of integrated planning.

346. The general strategy and principles of development of the public water supply have as their objective the attainment of a more harmonized and even development of all areas and counties in the Republic of Croatia, the improvement of the quality of life, which depends directly on meeting the need for water.

347. About 45% of the necessary financial resources are invested in water supply development programmes, which is far from adequate. The general programme for the development of the public water supply has two variants, for the period from 1996 to 2000.

Variant 1: To supply 90% of the population of Croatia with drinking water from public water supply systems, and to meet industrial needs;

Variant 2: To supply 81% of the population of Croatia with drinking water from public water supply systems, and to meet industrial needs.

For Variant 1, 48.35 m^3/s have to be supplied, and for Variant 2 38.72 m^3/s.

The planned investment for the first variant comes to DM 1,520 million (5,700 million kuna), and for the second variant DM 953 million (3,500 million kuna).

348. The absence of financial resources necessary for the development of water supply shows that it is necessary to regulate sources of funds for development with legal regulations. It is also necessary to count on 10-15% more resources for each variant, so that the existing technical procedures can be improved and so that the safety of the drinking water can be guaranteed.

349. During 1994 and 1995, samples of drinking water were tested for the areas of Lipik, Pakrac and Daruvar, and for two smaller settlements (e.g. Dulovac). Most of the wells were not built according to the regulation technical standards, and are constructed mostly of brick or stone.

350. For this reason, most of the wells are below the minimum sanitary standards. It is expected that the situation will be considerably improved after repairs are carried out on the Pakrac water supply system (thus ensuring Pakrac and Lipik with safe drinking water). Apart from the repairs, other measures have started to be employed, such as systematic chlorination in private water supply facilities. Table 4 shows the results of water quality surveys (14).

Table 4. Findings from drinking water safety tests in the areas of Lipik, Pakrac and Daruvar

Area	No. of samples	Water supply facility	Poor quality %
Lipik	45	private	62.5
	6	public	20.0
Pakrac	58	private	66.3
	12	public	14.5
Daruvar	62	private	80.4
	7	public	25.0

351. One of the consequences of the situation shown in table 4 is the incidence of a large number of infectious gastrointestinal illnesses that are transmitted through the water in some households.

352. The quality of drinking water is below standard particularly in the liberated areas of Croatia. With structural repairs to existing buildings and devices for the drainage of household effluent, the pollution of local water will be considerably reduced.

Article 12

353. Rights from this article of the Covenant can be claimed and obtained within the framework of the following legislation:

- Health Protection Law (*Official Gazette*, Nos. 11/94, 75/95, 55/96, 1/97 - revised version), and article 96, Persons with Mental Disturbance Protection Law (*Official Gazette*, No. 111/97)

- Health Insurance Law (*Official Gazette*, No. 1/97, revised version, 109/97, 13/98, 88/98, 10/99, 34/99)

- Health Care of Foreigners in the Republic of Croatia Law (*Official Gazette*, No. 114/97)

- Medicines and Medical Products Law (*Official Gazette*, No. 124/97)

- Protecting Against Ionising Radiation Law (*Official Gazette*, No. 27/99)

- Sanitary Inspection Law (*Official Gazette*, 27/99)

- Toxins Law (*Official Gazette*, No. 27/99), and a number of by-laws passed pursuant to the laws.

354. The regulations passed are in line with the standards of international law, international conventions, resolutions, consistent with European and world practice, and the legal system of the Republic of Croatia. It should be said that the process of the privatization of primary health care is coming towards its conclusion.

355. In the regions that were occupied, all buildings have been repaired or rebuilt, and medical and non-medical equipment has been bought, for the purpose of improvement the services provided in the health care service.

356. We should say that in other areas of the Republic of Croatia too buildings for the purpose of providing health-care services are being restored, built or equipped, within the framework of health-care establishments, with a particular emphasis being placed upon the improvement of conditions for the organization and provision of health care on the Croatian islands.

357. A survey of the state of health of the Croatian population is regularly made through selected indicators according to the methodology of the World Health Organization, and is on the whole sent once a year to its Regional Office in Copenhagen. The health protection and the health of the population do not depend entirely on the working of the health-care system, and cannot be looked at apart from demographic, economic and ecological indicators.

358. Basic indicators of the states that endanger the health of the population are the leading causes of death and the most common illnesses for which medical assistance is sought.

359. In 1998 in Croatia there were 52,311 deaths, with a death rate of 11.6/1,000. At the top of the lists of groups of illness that contribute to mortality in Croatia are illnesses of the circulatory system, which contribute more than 50% of all deaths. Then come neoplasms with over 20%, and injuries and poisoning, about 6%. The order of the causes of death in groups has not changed fundamentally in recent years.

360. In mortality deriving from illnesses of the circulation system the most highly represented groups are ischaemic ailments of the heart and cerebrovascular ailments. Analysing the standardised rate of mortality, for disorders of the heart and blood-vessels a rise can be observed for the year 1990 as against 1980 for deaths in the 0-64 years of age group, and for all ages together. From 1990 to 1995 there was a decline in the standardised rate of mortality, both for all deaths and for deaths in the 0-64 age group. A similar trend is noticed in the case of cerebrovascular illnesses as well.

361. In the case of ischaemic cardiac ailments, a steady rise of standardised mortality rates is noted for all age groups together, while for the 0-64 age group in the last few years the rising trend has been halted (in 1991 43.0, in 1994 39.2 and in 1997 43.4/100,000).

362. Malignant neoplasms are the number two cause of death in Croatia, and accounted for 21.8% of mortalities in 1998. According to data of the Cancer Register of the Croatian Public Health Institute, in 1998 cancer was responsible for the deaths of 28% of men and 38% of women who died younger than 65. Men younger than 65 most commonly died of cancer of the bronchi and the lung, cancer of the stomach, rectum and colon cancer and cancer of the larynx. Women under 65 died most frequently of breast cancer, bronchi and lung cancer, bowel cancer, ovarian cancer and stomach cancer. The SDR for

cancer of the bronchi and lung in men increased from 1980 to 1990 from 73.7 to 91.8 per 100,000 inhabitants, and in 1998 it was 105.8. The SDR for breast cancer in women shows a gradual upward trend both here and at a European level. In 1980 it came to 18.0, in 1990 to 24.8 and in 1998 to 28.6/100,000. The SDR for cancer of the cervix was lowest in 1997 when it came to 3.5, but in 1998 it was on the rise again with 4.2/100,000. The total cancer SDR for cancer in 1998 was up on 1990, by 9.9%. For women this rise came to 8.2%, and in men there was a rise of 14.1%.

363. One of the basic indicators of the state of health and health protection and of social and economic conditions is infant mortality, the long-term fall in which was only briefly halted by the war. While in 1980 the infant mortality rate was 20.6/1,000, in 1995, it was in Croatia, in spite of the inescapable circumstances of the war, the lowest in the country's history – 8.9/1,000. In 1998 it was 8.2/1,000. About 50% of total infant mortality relates to the first week of life, with the greatest intensity of deaths on the first day of life. The order of individual groups of illnesses and the amount to which they contribute to infant mortality have not changed much from the previous years. In 1998 the greatest cause of infant mortality was defined as "certain conditions in the perinatal period", 54.6%, followed by causes defined as "congenital malformations, deformities and chromosomal abnormalities", which accounted for 29.1% of deaths, and in third place came "respiratory tract disorders", accounting for 4.1%. Causes from these three groups accounted for almost 90% of all infant deaths. Among the most common individual causes of infant mortality are infant respiration distress, intracranial non-traumatic haemorrhage, and other states of the respiratory system arising in the perinatal period – all the causes stated being the consequence of immaturity and a short gestation period, after which come certain congenital malformations and syndromes and the "sudden infant death syndrome" (SIDS).

364. With respect to protection of maternity, perinatal and maternal mortality are most often used as indicators. The fall in early neonatal mortality is a basic factor in reducing perinatal mortality in the period between 1980 and 1998 (10.8/1,000 live births in 1981, 4.1/1,000 live births in 1998), while foetal mortality is at more or less the same level and does not drop below 4/1,000 of total births (5.5/1,000 of total births in 1981, 4.8/1,000 of total births in 1998). In 1998 the rate of perinatal mortality was 8.9/1,000 of births overall.

365. One of the most important indicators of the state of health in childhood, infant mortality, was almost cut to half in the 1980-1990 period (1980 – 20.6/1,000 live births; 1990 – 10.7/1,000 live births), the trend being halted in the wartime circumstances of 1991/1992. In 1998 the rate came to 8.2 (table 5). Among the basic traits relating to infant mortality in Croatia are the large regional differences in the mortality rate and the annually uneven trends in the rate within the same counties (table 6).

366. Maternal mortality has for years been low in Croatia and reduced to sporadic cases: in 1990 there were 6 cases, or 10.8 out of 100,000 live births; in 1991, 4 cases or 7.7 out of 100,000 live births; in 1992 2 cases, or 4,2/100,000; in 1993 and in 1994 there were 5, with a rate of 10.3/100,000; there were 6 cases in 1995 producing a rate of 11.95/100,000 live births; 1 case or 1.86/100,000 in 1996; 6 cases in 1997, with a rate of 10.81/100,000 live births, and 3 cases in 1998, with a rate of 6.37/100,000 live births. All mortalities occurred after delivery, and the most common causes were eclampsia, birth shock and haemorrhaging.

Table 5. Infant mortality in the 1979 to 1998 period and the rates of infant mortality per 1000 live births

Year	Number	Rate per 1,000 live births
1979	1,332	19.2
1980	1,403	20.6
1981	1,273	18.9
1982	1,219	18.3
1983	1,224	18.7
1984	1,088	16.8
1985	1,039	16.6
1986	948	15.9
1987	826	14.0
1988	765	13.1
1989	651	11.7
1990	591	10.7
1991	575	11.1
1992	546	11.6
1993	480	9.9
1994	495	10.2
1995	449	8.9
1996	433	8.0
1997	457	8.2
1998	388	8.2

Source: Documentation of the National Statistics Office.

367. One of the most important indicators of perinatal protection is perinatal mortality, which, after a short-term rise in the wartime years, continued its long-term downward trend (table 7). As in infant mortality, differences can be seen among the counties, and annual oscillations within the counties (table 8). In order to reduce existing regional differences, the promotion of perinatal care was placed among the priorities of the Croatian strategy called "Health for All by 2005". Together with an evaluation of perinatal mortality by county, the organization of perinatal care according to levels of personnel and technical competence of maternity hospitals is in progress. In first level maternity hospitals, from about 1,000 deliveries there are mainly healthy children of healthy mothers, in second level maternity hospitals there is a greater proportion of premature births, and mothers with minor complications during pregnancy are accepted. Third level maternity hospitals are also teaching hospitals, and they have excellently organized anaesthesiology, obstetrics and neonatal sections, with appropriate intensive care and therapy units, which makes possible the delivery and acceptance of even those children who are most at risk.

Table 6. Infant mortality rates in Croatia for the period 1990 to 1998 by county

County	Infant mortality per 1,000 live births								
	1990	1991	1992	1993	1994	1995	1996	1997	1998
City of Zagreb	8.9	8.7	9.6	8.0	10.2	-	8.5	7.9	8.5
Zagrebačka	4.8	7.6	7.4	10.1	6.7	6.9	6.8	8.5	7.7
Krapinsko-zagorska	10.7	9.4	9.4	9.3	8.6	9.7	5.5	10.7	3.3
Sisačko-moslavačka	11.3	9.3	6.0	9.5	4.3	10.6	8.0	5.3	9.2
Karlovačka	7.0	14.2	10.9	7.9	8.1	8.8	6.7	7.5	10.7
Varaždinska	10.8	9.6	15.3	9.9	11.6	11.0	11.4	7.9	6.6
Koprivničko-križevačka	11.5	10.4	4.3	11.3	9.4	11.9	10.0	11.4	15.5
Bjelovarsko-bilogorska	14.3	10.1	14.1	6.5	7.1	11.9	8.9	9.7	8.4
Primorsko-goranska	9.8	10.9	9.1	8.2	10.8	7.4	9.1	7.5	5.8
Ličko-senjska	18.8	19.3	16.4	15.1	9.8	3.9	15.4	8.0	5.6
Virovitičko-podravska	13.5	5.4	14.4	11.1	10.4	6.2	4.6	10.7	5.4
Požeško-slavonska	12.7	8.7	12.1	11.9	8.6	5.6	7.7	5.5	9.4
Brodsko-posavska	14.1	14.1	17.8	14.2	13.4	10.6	6.3	9.0	10.6
Zadarska	13.7	17.2	12.4	10.6	9.4	9.2	11.6	8.6	7.8
Osječko-baranjska	12.5	13.7	15.7	12.7	11.9	11.9	4.9	11.0	11.4
Šibensko-kninska	6.9	19.1	10.6	11.2	18.4	10.0	5.4	8.8	6.8
Vukovarsko-srijemska	17.0	18.6	11.6	10.9	11.4	9.3	8.6	5.9	7.3
Splitsko-dalmatinska	7.4	10.3	13.2	8.5	11.7	9.2	7.7	7.2	6.1
Istarska	10.1	6.8	14.4	8.9	4.8	8.7	6.2	4.3	7.8
Dubrovačko-neretvanska	8.7	7.0	6.7	10.6	10.2	9.9	8.1	7.8	5.7
Međimurska	11.0	16.0	15.6	14.7	13.8	14.3	12.6	13.1	16.0
CROATIA	10.7	11.1	11.6	9.9	10.2	8.9	8.0	8.2	8.2

Source: Documentation of the National Statistics Office.

Table 7. Individual Components of Perinatal Mortality in Croatia from 1981 to 1998

Year	Still born and died in 0-6 days	Perinatal mortality	Still born	Still born per 1,000 births	Died during 0-6 days	Early neonatal mortality
1981	1,098	16.2	371	5.5	727	10.8
1982	1,129	16.9	387	5.8	742	11.1
1983	1,092	16.6	326	5.0	766	11.7
1984	978	15.0	296	4.5	682	10.5
1985	951	15.1	297	4.7	654	10.4
1986	874	14.4	307	5.1	567	9.4
1987	785	13.2	293	4.9	492	8.3
1988	699	11.9	251	4.3	448	7.7
1989	609	10.9	263	4.7	346	6.2
1990	574	10.3	246	4.4	328	5.9
1991	601	11.5	269	5.2	332	6.4
1992	580	12.3	261	5.5	319	6.8
1993	482	9.9	199	4.1	283	5.8
1994	474	9.7	221	4.5	253	5.2
1995	462	9.2	215	4.3	247	4.9
1996	469	8.7	235	4.4	234	4.3
1997	492	8.8	253	4.5	239	4.3
1998	420	8.9	225	4.8	195	4.1

Source: Documentation of the National Statistics Office.

Table 8. Rates of perinatal mortality in Croatia from 1993 to 1998 by counties

County	Rate (per 1,000 births)					
	1993	1994	1995	1996	1997	1998
City of Zagreb	8.7	9.9	-	8.5	9.0	8.7
Zagrebačka	8.9	5.6	7.8	8.0	8.2	10.5
Krapinsko-zagorska	8.7	7.9	9.0	9.8	4.4	5.2
Sisačko-moslavačka	8.4	3.8	7.0	8.0	9.6	8.7
Karlovačka	6.1	6.3	7.0	5.2	7.5	6.2
Varaždinska	12.6	10.6	8.2	7.7	10.9	7.0
Koprivničko-križevačka	11.9	7.9	8.9	13.2	12.7	13.2
Bjelovarsko-bilogorska	7.1	7.7	10.6	5.3	6.5	11.8
Primorsko-goranska	5.7	7.4	7.7	7.7	7.2	8.5
Ličko-senjska	24.3	9.7	5.8	20.3	9.6	11.0
Virovitičko-podravska	8.5	6.1	6.2	6.2	12.1	6.3
Požeško-slavonska	15.0	13.8	8.6	8.4	8.6	14.0
Brodsko-posavska	11.2	14.2	12.3	7.1	12.5	9.7
Zadarska	11.1	13.7	8.6	12.0	11.0	6.1
Osječko-baranjska	16.1	12.8	10.9	6.9	7.9	9.9
Šibensko-kninska	12.2	11.9	11.9	9.8	16.0	10.1
Vukovarsko-srijemska	10.5	8.7	10.5	9.8	8.8	10.7
Splitsko-dalmatinska	8.0	11.2	8.9	10.7	7.8	6.2
Istarska	10.0	5.9	11.2	6.7	3.8	8.3
Dubrovačko-neretvanska	9.9	9.6	9.1	9.9	6.6	11.3
Medimurska	8.9	11.6	18.6	8.2	8.7	9.9
CROATIA	9.9	9.7	9.2	8.7	8.8	8.9

Source: Documentation of the National Statistics Office.

368. The Republic of Croatia has a well-developed national health care policy. As early as 1991 a health care policy document was drawn up by the Health Care Council of the Republic of Croatia, which based its approach on the practice of other European countries, called *"Health for all up to 2000"*. This strategy could not be put into operation earlier because of the war Croatia was forced into. For this reason, on the basis of a health care policy document formulated in 1994, the Minister of Health presented a new health care policy document called *"Policy and Strategy "Health for all up to 2005"*.

369. In all these documents, priority is given to primary health care (PHC). Croatia collaborates with international organizations, priority being given to PHC in the area of health care. Croatia is working with WHO on a project for further and still more powerful development of PHC in the country.

370. There is a very successful on-going project being conducted in cooperation with the World Bank concerning the expansion and strengthening of PHC in Croatia, which has three basic tasks:

(a) To provide still better coverage of the whole territory of the country with PHC units;

(b) To improve the professional competence of physicians employed in PHC;

(c) To provide PHC units with the necessary equipment so that they can to an appropriate measure be self-sufficient.

371. According to an official report from the Ministry of Health based on data collected in the Croatian Statistics Office, and the Croatian Institute for Health Insurance, Croatia spends 7.6% of GDP on health care. PHC is allocated 15.4% of these funds. In 1985 PHC received 10.3% of the total health care budget, and in 1990 14.5%.

372. The degree to which children are inoculated against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis is shown in WHO indicators 280101-280106 (see table 9).

Table 9. WHO indicators 280101-280106

Indicator	Title	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
	Degree to which children were inoculated against	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
#280101	diphtheria	83	81.1	81.8	82.8	81.7	81.1	81.5	80.7	83.7	86.4	87.9	85	83	85	87	90
#280102	tetanus	83	81.1	81.8	82.8	81.7	81.1	81.5	80.7	83.7	86.4	87.9	85	83	85	87	90
#280103	pertussis	83	81.1	81.8	82.8	81.7	81.1	81.5	80.7	83.7	86.4	87.9	85	83	85	87	90
#280104	measles	88.1	89	89.4	88.4	90.2	89.2	88.6	90	91.4	92.8	91.5	89	90	90	90	92
#280105	poliomyelitis	83.4	82.9	83.9	81.4	84.7	85.2	80.1	82.3	84.2	85.2	86.6	84	82	85	87	90
#280106	tuberculosis	95.8	93	94	94.2	94	95.1	94.6	93.3	94.9	94.7	93.5	92	92	98	97	98

373. Life expectancy

	Years
Life expectancy at birth	
All	72.31
Men	68.59
Women	75.95
Life expectancy at the age of one	
All	72.12
Men	68.46
Women	75.70
Life expectancy at the age of 45	
All	30.19
Men	27.14
Women	32.98
Life expectancy at the age of 65	
All	14.58
Men	12.83
Women	15.78

Source: National Statistics Office

374. Health care in the Republic of Croatia is organized in such a way as to make primary health care surgeries available to the entire population at a distance of less than one hour's walk or driving in some means of transport.

375. All pregnant women can obtain free health care during pregnancy and childbirth. This care is organized in gynaecological surgeries at the primary level, in outpatients' departments and at the in-patient level. In 99% of cases deliveries are performed in hospital maternity wings; in 1998, 99.7% of registered births were in hospitals, 0.2% with professional assistance outside an establishment, and no more than 0.1% without professional assistance.

376. The care of infants and pre-school children is seen to by private paediatricians (with surgeries they themselves own or lease) who have contracts to provide health care for children in about 70% of cases.

377. Basic health-care insurance is guaranteed to all citizens of Croatia irrespective of age, gender, faith or ethnicity. The aim of the general strategy of Croatian health care is to assure, through its policy and its application via the health care system and via collaboration with other sectors, the greatest possible degree of health to the all the population, respecting the principles of the WHO global strategy.

378. Data for the Danube area in the very recent period have not been available, and cannot be stated at this time. Because of awareness of this state of affairs, the health service in this area is currently being reconstructed and developed in order for it to be able to figure in the Croatian average. In addition, projects have been prepared that are to be financed by the Croatian Government, with loans from the World Bank and, in all likelihood, with aid from the international community. The fundamental aim is, in as short a period as possible, to make the conditions for the provision of health care completely identical with conditions in the whole of Croatia, and thus gradually to improve the state of health of the population of this area.

379. The protection of the environment and health from harmful agents is understood and treated as a fundamental precondition for health and quality of life. This is clearly stated in the Croatian Constitution as the right of the citizen to have a healthy environment, this right being further treated in numerous laws and by-laws that govern individual areas about environmental protection and the protection of human health, such as the Environmental Protection Law, the Air Protection Law, the Waste Law, the Health Protection Law, the Protection of the Population against Infectious Diseases Law, the Law about the Safety and Health Supervision of Provisions and General Use Objects, the Protection from Ionising Radiation Law, the Toxic Substances Law and so on. Proactive effect to do with the preservation of a healthy environment and the health of the population in connection with harmful factors in the environment can clearly be recognized in policy and strategy documents such as *Health for All by 2005*, and the National Action Plan *The Environment and Health*, the basic tenet of which is "effective control, evaluation and prevention of all elements detrimental to health in the general and work environment and the promotion of healthy behaviour and technologies".

380. In addition, the Republic of Croatia is an active participant in and party to numbers of international protocols and conventions relating to environmental protection and the suppression of factors that have a detrimental effect on human health.

381. In order to prevent and control infectious and other diseases in Croatia, in line with the Health Protection Law, a network of public health institutes has been set up taking in all the counties, their work being supervised and coordinated by the Croatian Public Health Institute. In these institutes, epidemiological teams have been established (about 100 of them, or one team for every 50,000 of the inhabitants). Supervision of infectious diseases is regulated by a large number of laws that govern, for example, the mandatory registering of infectious diseases, mandatory inoculation, mandatory supervision and education of people employed in the food industry, schools, health institutions, a sanitary inspectorate, supervision of infections in hospitals, water quality control and so on. The results of these measures can be best understood by the following examples:

(a) Malaria, once endemic in most of the country, was eradicated in 1956;

(b) The last case of diphtheria was recorded in 1974;

(c) The last case of polio was recorded in 1989;

(d) In 1998 only a single case of typhus was recorded;

(e) AIDS has reached a rate of 29 cases per 1,000,000 of the population;

(f) Primary DTP, polio and MMR vaccinations have attained a coverage of over 90%.

382. The prevention of occupational illnesses and the protection of people at work are regulated by the Health Protection Law and the Protection at Work Law, as well as by a whole series of regulations, the

most important of which are the regulations about jobs with special working conditions, the regulations about jobs that women may not be employed in, the regulations about working out danger evaluations, the regulations about giving first aid to workers at work and so on. In Croatia in most of the counties there are occupational medicine units that carry out a specific kind of health care, in line with health care measures in connection with work and the working environment. The employer is responsible for carrying out specific measures of health care and protection and for bearing the costs in the event of occupational illnesses and accidents at work. The Croatian Institute of Medicine was set up to plan, propose and carry out programmes of measures and to coordinate and professionally supervise the occupational medicine.

383. Every citizen of the Republic of Croatia is constitutionally guaranteed the right to basic health care. The Health Protection and Health Insurance Laws of 1994 brought in a new approach to health care and laid down the basis making possible the further development of health care.

384. New legislation made it possible to have private medical practices and set up private establishments and to introduce, alongside the national insurance, additional and complementary health insurance. The same laws stipulate that health care is carried out on the basis of all-inclusiveness, continuity, availability and an integrated approach. With controlled market competition in the provision of health-care services being made possible, the State retains the leading role in the supervision of health care of certain vulnerable groups (pregnant women, children up to 18, those over 65, disabled persons) and of certain public health problems (infectious and chronic non-infectious illnesses).

385. The Ministry of Health is responsible for supervision of the health-care financing system and the costs of the health-care system, and for the provision of quality health care in collaboration with the medical associations.

386. While privatization is being carried out the fundamental terms of reference of the development of Croatian health care are respected: equal availability of health care, and the provision of the basic State level of health insurance for every individual, and the continuity of all segments of the health profession irrespective of market mechanisms.

387. The evaluation of the state of health of the people of the Republic of Croatia, according to WHO criteria, has shown that in spite of the consequences of the aggression against the country, and of a sharp reduction in the resources available for health care, the overall health indicators have not only been maintained but in some parts improved.

388. In 1998 the number of visits to doctors in their surgeries was 15,666,797; the number of home visits by physicians was 283,931, and the number of home visits by other health-care professionals was 70,789. In the general medicine surgeries the most common ailments were those of the respiratory tract, then cardiac and circulatory problems, the musculoskeletal system, the nervous system and the senses and others.

389. The infants and small children health service looks after about 70% of children between 0-6 years of age, and other children in the pre-school period are looked after by other physicians in the primary health-care system. In surgeries in 1998 2,676,296 visits were recorded, of which 2,188,242 were medical check-ups. In the same period there were 3,146 home visits. In preventive medicine, there were 460,831 recorded preventive visits, of which 273,912 related to systematic examinations (143,986 systematic examinations of infants and 129,926 of small children). In surgeries, 1,263,260 diagnoses were made, the most common being of illnesses of the respiratory tract (54%), followed by infectious and parasitic diseases, ear infections and mastoiditis, and other illnesses.

390. Schools medicine in the Republic of Croatia has, since 1998, been organized in the public health system, as a service that looks after preventive and specific measures for the health protection of school-age children and young people. The fundamental programme of its work is in line with the Health Protection Measures Programme at the national level. One team composed of a schools medicine specialist physician and a nurse on the whole looks after about 5,000 school-age children. In the school year 1998/99 in Croatia, 420,652 pupils were in elementary school, and 196,380 in secondary school. In the school health service that year, 182,219 systematic checks were made, 24,091 control and 173,810 specific checks, as well as 163,545 screenings. Advice centres for children and 36,685 pupils, 21,799 parents and other family members, 13,272 teachers and 6,096 other people visited the young in the schools medicine service. Health education via lectures, workshops, meetings and other things involved 197,9443 elementary school and 66,515 secondary school pupils.

391. According to findings from the systematic examinations, about 7% of children in elementary schools were overweight for their height, and about 5% were lighter than they should have been (TT/TV greater than 90 or less than 10 centiles). More than one third of pupils and students had poor bearing, and about 40% had pronounced deformations of the feet. Refraction disorders were found in 10.8% of elementary school pupils, 13.9% of secondary school girls and 18.5% of secondary school boys and in 24.5% of students. About 3.5% of secondary school students had elevated blood pressure on examination. Five percent of boys and 6% of girls in elementary school and 3% of boys and 4% of girls in secondary school had haemoglobin of less than 11g/l. In elementary schools 2.8% of the boys and 1.3% of the girls had speech disorders (dyslalia).

392. In the occupational medicine profession in 1998 a total of 362,363 medical examinations were made, 12.8% less than in the previous year. As for preventive examinations, the most were preliminary examinations (59,079), then periodical examinations (52,428) and systematic examinations (9,508). There were 216,830 special examinations, most of them relating to examinations of drivers (142,191) and mariners (7,861). Conciliary examinations were also done in the occupational medicine field, most of them evaluations of work ability applied for (3,485) and evaluation and findings for the disability commission (2,376).

393. In 1998, 22,965 injuries at work were reported, 49 of them resulting in death. In 1998, 152 occupational illnesses were reported. Most of the cases registered related to noise (71 cases), excessive vibration (21), skin ailments and serious recurrences of them (14) and poisoning by lead and compounds and mixtures of it (12).

394. In 1998 there were 105,313 recorded cases of illnesses and conditions in the health care of workers. It should be mentioned that this relates exclusively to activities concerned with preventive, special and conciliary examinations. In the first places there were illnesses of the eye and the ocular area (31.7%), illnesses of the circulatory system (13.8%), mental and behavioural disturbances (9.7%), illnesses of the musculoskeletal system and tissue (6.5%), endocrine, dietary and metabolic illnesses (6.8%).

395. The women's health-care service recorded 1,334,333 visits in 1998. A total of 978,152 examinations were made (not including preventive examinations and examinations of pregnant women). As for preventive examinations, most of these were systematic examinations (168,875) and targeted inspections (68,895). A total of 105,620 breast examinations were made, 4,969 of which, or 4.7%, had pathological findings. Of the 302,222 PAPA tests done, 7.8% revealed some pathological change.

396. According to reports from antenatal clinics in 1998, there were 313,006 visits in total, which comes to 6.4 per pregnancy. Most women appeared for their first examination up to the third month

(62.9%), 27.2% of them came in the fourth to sixth month, and 10% in the last trimester. In 1998, 71,905 visits to family planning clinics were registered, which comes to 6.6 visits per woman of childbearing age. According to estimates of the National Statistics Office in 1998 there were 1,087,853 women of childbearing age in Croatia. The general fertility rate came to 43.1.

397. In 1998, 591,646 cases of sicknesses and conditions in the health care of women were recorded. In the first place came illnesses of the genitourinary system, 47%, then factors affecting the state of health and contact with the health care (30.4%), then infectious and parasitic illnesses, 10.5%, ailments and conditions related to pregnancy, childbirth and confinement, 6.3%, neoplasms (4.1%) and others.

398. According to reports of births from medical establishments in the Republic of Croatia, in 1998 47,577 children were born (47,380 live births and 197 stillbirths) from 47,025 deliveries. Among them were 882 births from mothers who were domiciled outside the Republic of Croatia.

399. This year too, as in the last dozen years, the number of terminations of pregnancy decreased. The total number of terminations of pregnancy recorded in 1998 came to 15,292. Of this number 58.2% were legally induced terminations of pregnancy (0.2 to each live birth).

400. In 1998 the most common reason for hospital care were neoplasms, then came disorders of the circulatory system, of the digestive tract, and injuries and poisonings. The most common causes of hospital care for injuries were fractures of the pelvis, the tibia, concussion and superficial head injuries. In external causes of injuries, fractures of miscellaneous origin were in the lead (falls, drowning, medicines, suffocation). The average length of a hospital stay in 1998 was 12.57 days, and the average occupancy of a bed was 322 days per bed for acute patients and 304 days per bed in special hospitals. The average use of bed capacities was 88.22% for acute and 83.29% for chronic patients.

401. As for infectious diseases, in Croatia tuberculosis is the only important public health problem. In 1998, 2,118 new cases were registered (44/100,000). The first AIDS cases were registered in Croatia in 1986 and since then the number of infected persons has risen slowly but constantly. By the end of 1995 there were 137 people suffering from this illness, and 91 had died. The epidemic does not have an explosive character, but it is expected that it will continue with somewhat greater intensity. About 80% of the people infected are homosexual or bisexual, heterosexual persons who are pronouncedly promiscuous, and addicts injecting intravenously, mainly men.

402. Illnesses against which mandatory inoculation is carried out in Croatia are as follows: diphtheria, tetanus, pertussis, poliomyelitis, measles, rubella, parotitis (mumps), and tuberculosis. Through the carrying out of systematic and legislatively regulated inoculations, polio and diphtheria have been eradicated, tetanus has been reduced to rare case (older persons not inoculated), and cases of measles, rubella, mumps and tuberculosis have been reduced by 98%, 96%, 96% and 85% as compared with the period before inoculations were systematically carried out. Cases of whooping cough are somewhat more numerous still, with the comment that according to current regulations clinical pertussis has to be reported, which can be caused by various microorganisms. Nevertheless, a reduction of 94% has still been achieved.

403. It should be added that the success achieved can be attributed to the very high vaccination coverage which on average in Croatia in the last ten years and in spite of the war has never come to less than 80% for first vaccinations and 93% for revaccination. If these levels are maintained it can be expected that there will be a definite eradication of polio and diphtheria, while measles, rubella and mumps will continue to regress (with occasional minor epidemics), a slightly weaker regression being expected with whooping cough.

404. Since it has recently been mandatory for certain categories of person (mainly health care professionals) to have immunisation against hepatitis B it is to be expected that there will be a fall in the incidence of this illness in these groups of the population.

405. Primary vaccination against diphtheria, tetanus, pertussis and polio was carried out in 1998 with a success rate of close on 94%, of 97% for tuberculosis, and 93% for measles, rubella and mumps.

406. A coverage of between 94% was achieved by revaccination (DTP) and of 97% (rubella at age 14).

Article 13

407. In the Republic of Croatia, elementary schooling is free and available to all. Elementary schooling is mandatory. Secondary and tertiary level education is accessible to all, under equal conditions, in line with their abilities. There are very few pupils who do not complete elementary school in the normal period. Such pupils can attend evening school free of charge.

408. For persons older than 15 who for some reason did not complete elementary schooling, a system of adult elementary education has been set up. The purposes and objectives of elementary schooling are aimed at the ongoing development of the pupil as psychological, physical, moral, intellectual and social being in line with his or her capacities and aptitudes. In order to promote understanding, toleration and friendship among nations, races, ethnic and religious groups, appropriate syllabi have been introduced and are being carried out, such as the syllabus for education in human rights and democratic, civil upbringing, which is being carried out in an interdisciplinary way, in all subjects, as an elective from the 5th to 8th grade and in extra-curricular activities in the form of pupil's project work. With the introduction of confessional religious instruction as an elective in elementary schools, religious communities were enabled to have the organization of religious education for their members in schools. As part of the private school system, alternative elementary education according to particular educational principles has been made possible (Waldorf). The existing network of elementary schools makes it possible for all children to have regular elementary schooling, and attempts are being made to improve the material position of teachers, in close cooperation with the teachers' unions on the implementation of the collective agreements that have been made.

409. As well as public secondary schools whose work is financed by the State, there is also a network of recognized private secondary schools and religious schools, which can be founded with the prior consent of the Minister of Education and Sport; in essence, these schools have the same rights and obligations as public schools. Thus pupils and their parents have the right of choice about the appropriate form of education in line with their material capabilities and options.

410. At the beginning of the transition and before the aggression on Croatia, the highest representative and executive bodies of the Republic of Croatia defined the programmes of educational changes and development and provided mechanisms for a thorough reform of educational structure and contents.

411. This reform programme has been completely realized. Instead of unified secondary schools with approximately 80% of common core subjects and a primarily ideologized curriculum, with 20% of differentiation according to professions, which gave insufficient educational results as far as acquired general knowledge and professional skills are concerned (since it was adapted to the average abilities of the whole population) new, varied school types have been introduced (academic high schools, technical schools, 4-year secondary vocational schools, trade and related schools lasting 3 years, artistic schools, etc.). Primary and secondary schools have received new curricula and are equipped with new textbooks and the necessary aids.

412. These measures in general resulted in an increase of the quality of education at all levels, as shown by surveys of results at certain stages of the development of education and by results at the international level (achieved results, international competitions of pupils, etc.). At the same time, education has become more widespread (more schools).

413. 100% literacy is characteristic of Croatia.

Government expenditure on education and culture*: total amount and as a percentage in GDP

Year	Gross domestic product	Education and culture	Share in GDP (%)
1990	252,722	20,112	7.95
1991	373,873	24,272	6.49
1992	2,294,008	104,980	4.57
1993	36,023,002	1,745,817	4.85
1994	68,262,493	4,245,828	6.21
1995	74,827,922	4,971,864	6.64

* Official statistics show only total expenditure for education and culture.

Distribution of public expenditure in terms of certain levels of education

Year	Education and culture	Primary education	Share (%)	Secondary education	Share (%)
1990	20,112	7,360*	36.6	3,459*	17.2
1991	24,272	8,886	36.6	4,190	17.3
1992	104,980	38,754	36.9	17,897	17.0
1993	1,745,817	488,534**	28.0	250,958**	14.4
1994	4,245,828	1,420,175	33.5	751,833	17.7
1995	4,971,864	1,664,064	33.5	849,358	17.1

* Statistical data on primary and secondary school expenditure in 1990 were estimated, because of the radical transformation of the educational financing system that took part that year.

** Data on 1993 expenditure are not reliable, because there were rapid changes in the exchange rates (inflation, new currency) and because responsibility for funding education was transferred from local authorities and the various funds to the national budget.

Main items of expenditure for education

Year	Capital investment value		Total	1991=100
	Primary education	Secondary education		
1991	58,536	32,119	92,646	100
1992	15,138	4,136	21,266	22
1993	34,051	19,580	55,624	60
1994	76,832	55,407	134,233	144
1995	74,607	12,117	86,724	93

* Data for 1995 do not take into account funds for the reconstruction of schools provided by the Ministry of Development and Reconstruction of the Republic of Croatia.

414. State schools are financed by the State, generally at the level of the central educational administration, and partially at the level of regional administration. The central administrative level (the Ministry of Education and Sports) provides finances from the national budget for teachers' salaries and salaries of other State school staff; expenses of school activities and needs; and the main part of the programmes for building and equipping schools. Regional and local administration participates in the building and equipping of schools to a smaller extent (20% to 50%, depending on the development of the region or the city).

415. Their founders, out of the fees the pupils pay and some other sources, finance private schools. "Private-public" schools that follow the standards of State schools are subsidised by central authorities.

416. Ethnic minorities have the right to schooling in accord with articles 14, 15, 16 and 17 of the Constitutional Law on Human Rights and Rights of Ethnic and National Communities or Minorities and the Law on Education in the National Language.

417. The education of members of ethnic and national communities and minorities in the Republic of Croatia is carried out in kindergartens and schools in their own language and script according to special curricula in which their history, culture and science is suitably embodied, if they so desire.

418. But that part of education that is not related in any way to the ethnic affiliation of the pupils is carried out to the extent, and content, prescribed by the competent body of the Republic of Croatia for the area of schooling.

419. A school curriculum the study of which represents some connection with the ethnic affiliation of the pupils is laid down by the body of the Republic of Croatia that has competence in affairs of education at the recommendation of the Republic of Croatia's Office for Inter-Communal Relations.

Article 15

420. Article 86 of the Constitution guarantees freedom of scientific and scholarly, cultural, artistic, intellectual and other kinds of creativity, and the moral and material rights that derive from this. The Republic encourages and helps the development of science, culture and art, and protects scientific, cultural and artistic assets as being national spiritual values.

This material is governed by the following regulations:

Establishments Law (*Official Gazette* Nos. 76/93 and 29/97)

Theatres Law, (*Official Gazette* No. 61/91)

Cultural Establishments Management Law, (*Official Gazette* No. 50/95)

Law concerning the rights of self-employed artists and the encouragement of cultural and artistic creativity, (*Official Gazette* No. 43/96)

Libraries Law, (*Official Gazette* No. 105/97)

Museums Law, (*Official Gazette* No. 142/98)

Archives and Archive Material Law, (*Official Gazette* No. 105/97)

The Ivan Meštrovic Foundation Law (*Official Gazette* No. 9/91)

The Cultural Assets Protection and Preservation Law (*Official Gazette* No. 69/99)

The Reconstruction of the Threatened Monumental Whole of Dubrovnik Law (*Official Gazette* Nos. 21/86, 33/89, 26/93)

Cinematography Law (*Official Gazette* Nos. 47/80, 20/90 and 59/90), and a new Film Law is in the process of being passed

The Vladimir Nazor Prize Law (*Official Gazette* No. 27/91)

Public Cultural Needs Financing Law (*Official Gazette* Nos. 47/90 and 27/93)

The laws that have been passed are in line with the standards of international law, international conventions, recommendations, resolutions and bring up to date all the relevant questions of the given areas. They define the rights and obligations of individuals, institutions, owners of cultural assets, in line with European and world practice and our legal system.

421. The opportunity to participate in culture, paying attention to the market economy, is open to both State and private funds, and to individuals, cultural and artistic creative people, and it depends on the interested party how resources can be arrived at. The cultural world is ramified and generally accessible (galleries, museums, libraries, cultural centres, theatres, cinemas, amateur associations ...). The conservation of the natural and cultural heritage remains a national priority.

422. Croatia is traditionally a multiethnic society in which national minorities make up a fifth of the society. Croatia has well arranged relations with minorities, and questions of cultural autonomy and neighbouring rights are favourably settled in legislation and in practice.

423. It is important to stress that in the Republic of Croatia there are no restrictions to prohibit or restrict freedom of expression, creativity, the exchange of cultural and scientific information.

424. The Republic of Croatia has ratified 21 and signed 25 treaties about cultural, scientific and educational cooperation, and 12 programmes of cultural collaboration.

425. With regard to the legislative measures taken to realize the right of everyone to enjoy the benefits of scientific progress and its application, including those aimed at the conservation, development and diffusion of science, the Government of the Republic of Croatia has enacted six legal documents:

Scientific Research Activities Law

Higher Education Law

National Scientific Research Programme

Law on signing and executing international treaties

Law on recognition of equivalence of certificates and diplomas obtained abroad

Law on monitoring scientific, cultural, educational, technical and technological cooperation with foreign countries.

426. The Scientific Research Activities Law provides for freedom of scientific research and creativity, free public access to work, the protection of intellectual property rights, the competitiveness of scientific programs and initiatives, the autonomy and safety of human individuality and dignity, the ethics and responsibility of scientists and researchers concerning the consequences of their activities, the care for environmental protection, the interdependence of scientific research and higher education, involvement in the international scientific effort.

427. In the efforts to expand the cultural and material quality of life and economic progress, the Republic of Croatia is providing the conditions and financial support for:

(a) Broadening scientific knowledge and achievements;

(b) Enlarging the volume and quality of scientific research activities;

(c) Publishing scientific achievements;

(d) Providing the conditions for the application of the results of scientific research;

(e) Supporting and stimulating scientists, researchers and the education of senior scientific fellows.

428. The institutional system, within which scientific and research activities are carried out, is organized in four main types of institutions: public (State) institutes and institutions of higher education within four universities; industrial institutes and other corporate bodies such as the Croatian Academy of Arts and Sciences; independent institutes; and health-care institutes. All these institutions act freely and independent of Government in entering into agreements and in performing international cooperation at the level of individual institutions or researchers.

429. Pursuant to article 3 of the Higher Education Law, institutions of Higher Education are based on the principle of academic autonomy and freedom in accordance with the Constitution of the Republic of Croatia and this Law.

430. Academic freedom is particularly expressed in freedom of scientific, artistic, and technological research and creation; establishment of educational scientific, artistic, and professional programmes;

election of lecturers and heads; decisions on student enrolment criteria; establishment of student entry requirements; determination of course rules; and determination of internal organization.

431. CARNet (the Croatian Academic and Research Network), a part of Internet, is a private and multiprotocol network which contributes significantly to promoting the diffusion of information of scientific progress. Presently it includes more than half of the scientific community. By the end of 1995, every academic and scientific institution was connected to CARNet. This means that every institution has at least one UNIX server whose purpose is to store and publish (on the Internet) scientific and general data about the institution. CARNet is also a gateway for scientists (and students) that enables them to access a wealth of information around the world. CARNet is the infrastructure for numerous databases and information services. The most important is the System of Scientific Information, which encompasses thematic centres for various fields that collect papers and other information from scientists and scholars, bibliographical references and complete archives of papers.

432. With regard to new trends of industrialisation and technological development which have potential danger for mankind's natural heritage and healthy and pure environment, it appears that, from the legal point of view, instruments for the protection of rights of ownership have limited legal effects in terms of the protection of endangered persons and public goods. Notwithstanding this, these disadvantages in the field of civil law protection might be successfully solved through the system of rules for preventive protection, set out in the Environmental Protection Law and other regulations.

433. While entering into an international agreement in the field of science, technology, higher education and information science, the Ministry of Science and Technology as a competent body, provides for the protection of intellectual property rights and copyrights in order to guarantee minimum standards of protection, in accordance with international standards contained in e.g. Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works. When it comes to the implementation of agreed cooperation agreements or signed agreements, it depends on the cooperating institutions to arrange these questions in such a way as they find appropriate.

434. The Industrial Property Law and Law on Copyrights are leading legal documents for the full implementation of the results of scientific activities. These documents include provisions for the protection of intellectual property rights and copyrights.

435. With regard to conservation, the development and diffusion of science it should be pointed out that the political and economic changes in Croatia from 1991 to 1996 paved the way for the implementation of a new science policy in accordance with the newly established market economy, privatization processes and conditions of ownership. The Constitution of the Republic of Croatia, in article 68, guarantees the freedom of scientific, cultural and artistic activity, encourages the development of science, culture and art, protecting these values as national spiritual values.

436. The Scientific Research Activities Law and the National Scientific Research Programme (NSRP) provide the legal framework for the reconstruction of the science and technology organization and management system. NSRP is the first strategic document on science and technology policy. It gives an overview of the present state of science, defines the general approach and guidelines for the long-term science and technology policy and foresees future steps concerning the implementation of this policy.

437. The main principles of the science and technology policy are as follows:

(a) The involvement of all research capabilities in the current process of the restructuring and revitalisation of the economy, and the fostering of entrepreneurship;

(b) Interdependence among science, technology and industry is indispensable for economic growth and social welfare. Government-supported research must complement industry efforts by emphasising generic, pre-competitive research, and an appropriate funding system has to be applied to encourage such an approach;

(c) All industries should be encouraged to exploit research results and to create new industrial niches capable of applying new technologies and attracting new investments, especially foreign ones;

(d) The establishment of market research and other mechanisms for closer cooperation between research institutions and the business sector, in particular industrial enterprises.

438. Not only does CARNet provide freedom of exchange of scientific and technical information, but there were also about 2,000 libraries registered in Croatia in 1995; 160 rank as scientific libraries, four of which are university libraries. There are 91 faculty libraries, 60 libraries attached to research institutes and one central library (attached to the Croatian Academy of Sciences and Arts). The Zagreb National and University Library (NSB) plays the central role in the Croatian library system.

439. There are no legal restrictions on the freedom of exchange of scientific and technical information. The present organization of science and the existing legal regulations make possible cooperation with the main aim of making the participation of the research community in international scientific cooperation as free as possible. The main obstacles are the international political environment; an inadequately developed system of monitoring and coordinating international cooperation; and the lack of financial resources to enable Croatia to invest more in this cooperation.

440. Though inadequately developed, the system of monitoring international cooperation is based on the Law on monitoring scientific, cultural, educational, technical and technological cooperation with foreign countries. It contains information about the extent of international cooperation (number of visits, participation in conferences, seminars, symposium). It is important for budgetary planning for the forthcoming fiscal period.

441. The Ministry of Science and Technology is the leading authority for the creation and the development of the national science and technology policy. It controls the allocation of the national budgetary resources necessary for the encouragement and development of international contacts and cooperation.

442. In 1991 the Ministry of Science and Technology introduced project funding to break away from the prevailing institutional funding based on lump-sum allocation without any differentiation among projects in terms of quality of researchers and the research itself. The main purpose is to reduce the number of projects and to redistribute public financial resources to stimulate high-quality research and cooperation between science and industry. In accordance with NSRP these projects will receive 38% of all funds while the remaining approved projects will receive 20%. The Programme also foresees a young researcher's project award (5%), which is a completely new category in science policy. The main purpose of these awards is to prevent the brain drain and to initiate research competition within the academic environment.

443. The Republic of Croatia has so far signed 21 bilateral agreements on cooperation in the field of science, technology and higher education and about 26 are to be signed in due course. It is worth mentioning that almost all of the signed bilateral agreements have significantly contributed to the promotion of scientific cooperation. They also allow scientists to take part in a number of international scientific conferences, seminars and symposiums.

Annex

Article 9: PENSION INSURANCE SYSTEM OF CROATIA

SUMMARY

A. General legislation in force

Act on Pension Insurance introduced in 1998, applicable from 1 January 1999 (generation solidarity system - first pillar); Act on Compulsory and Voluntary Pension Funds - introduced in 1999, applicable from 1 July 2000 (individual capitalization system, compulsory second pillar and voluntary third pillar additional insurance).

Type of programme: Social insurance system.
Information current as of September 1999.
Exchange rate US$1.00 equals 7.1677 HRK (Croatian kunas).

Act on Pension Insurance (*Official Gazette* No. 102/98) adopted in July 1998, entered in force in August 1998, applicable from 1 January 1999, regulates the first pillar (generation solidarity) compulsory general pension insurance. Second pillar additional compulsory insurance and third pillar voluntary insurance legislation introduced in 1999, applicable from 1 July 2000 by the **Act on Compulsory and Voluntary Pension Funds** (*Official Gazette* No. 49/99). This Act regulates the personal scope, institutions responsible for the application of the insurance and the way of financing of the additional compulsory and voluntary insurance; it does not contain provisions on benefits - these regulations are being prepared and will be given subsequently. According to the Act on Compulsory and Voluntary Pension Funds, the categories of insured persons are the same as those defined by the Pension Insurance Act, under the condition that they were aged under 40 at the beginning of the application of the Act on Compulsory and Voluntary Pension Funds. Persons aged between 40 and 50 may opt for compulsory additional insurance for old age. As the additional compulsory insurance is established for the purpose of individual savings for old age, it means that the first benefits will be provided in some 15-20 years, counting from 1 July 2000. Additional insurance is based upon the contributions being paid to individual accounts, and if the insured person would become entitled to disability pension, or a survivor to the survivors' pension after the death of the insured person, under the first pillar of the Pension Insurance Act, then the capitalized funds for old age will be transferred from the second pillar insurance funds to the Croatian Pension Insurance Institute (managing the first pillar), and the disability pension or survivors' pension after the death of the insured, as the case may be, will be granted exclusively according to Pension Insurance Act (first pillar).

As the Act on Compulsory and Voluntary Pension Funds will be applicable from 1 July 2000, and as the parallel laws and by-laws are not yet given, in the further text we will mostly describe the first pillar generation solidarity scheme regulated by the Pension Insurance Act, and its link with the second pillar insurance benefits in future.

B. Coverage

Compulsory insurance

Employees, salaried civil servants, full-time volunteers and apprentices after schooling (regardless of whether they receive salary), unemployed persons registered with the Employment Institute while reporting regularly (according to employment regulations), top sportsmen, clergy, members of management boards of trading companies, parents until the child attains one year, persons insured under

specific circumstances only in case of disability or physical damage. Croatian citizens employed in the territory of Croatia at foreign diplomatic or consular missions or in personal service of foreign citizens. Foreign citizens and stateless persons employed in Croatia. Croatian citizens employed abroad or on board of foreign vessel who are not compulsorily insured under a social security agreement applied between Croatia and the host country, subject to a claim.

Self-employed persons (craftsmen, caterers, carriers, merchants and similar); self-employed persons who follow professional activity; and self-employed farmers and members of their households if the agriculture is their only or main activity, if resident in the place of activity, provided that they report the minimum cadastral income of 25% of the average annual gross salary of all employees in the preceding year per member of the household (the possibility for currently insured farmers of leaving the insurance scheme subject to a claim in a transitional period up to 31 December 1999).

Persons covered by the extended insurance. (Extended insurance is a kind of voluntary insurance under the compulsory insurance scheme: the entitlement is subject to a claim for the entitlement to become a self-contributor and it may be submitted in a period of 12 months after the termination of compulsory insurance. The title is: the unpaid leave, suspension of employment of a parent until child reaches the age of 3, vocational training, unemployment, temporary or seasonal break of employment or self-employment activity, employment abroad of persons who are not compulsorily insured in Croatia, accompanying the spouse employed abroad. On the basis of a decision of the Croatian Pension Insurance Institute the claimant becomes a self-contributor. Under the condition of contributions being regularly paid, these periods are treated as insurance periods for the acquisition of pension rights under the compulsory insurance scheme.)

Pension insurance of persons employed in arduous and unhealthy jobs whose periods of insurance are counted in extended duration and for whom the pension age requirement is proportionally decreased, is organized in the first pillar generation solidarity insurance, but it is regulated by a special law containing the list of such jobs, being in force from 3 July 1999, replacing the former legislation on the insurance of persons employed in such jobs. Note: the term of "extended insurance" mentioned above under this title and the term of "periods of insurance counted in extended duration" should not be mixed up. The latter periods mentioned are counted in such way that every 12-month insurance period actually completed is counted as 14, or 15, or 16, or 18 months of insurance, depending on the kind of the listed arduous and unhealthy job performed, due to the higher rates of employer's contributions liability. The retirement age of persons employed in arduous and unhealthy jobs is lowered in proportion to the extension of such periods of insurance completed (12 months counted as 14 months - the retirement age is lowered for one year on the basis of every 6 years of such insurance; 12 months as 15 months - one year on the basis of 5 years of insurance; 12 months as 16 months - one year on the basis of 4 years of insurance; 12 months as 18 months - one year on the basis of 3 years of insurance).

Special schemes

Presently there are no special schemes for special categories of persons. There are special regulations for special groups of persons who are granted benefits from the generation solidarity scheme under more favourable conditions.

Additional compulsory and voluntary insurance

Such insurance is regulated partly by the Act of Compulsory and Voluntary Pension Funds, applicable from 1 July 2000 (it is not the subject of this summary).

C. Source of funds

Contribution rate will be defined by the decision of Croatian State Parliament by the end of November of every current year for the next calendar year, at the proposal of the Management Board of the Pension Insurance Institute, in the amount needed for covering the expected expenses (generation solidarity). For the year 1999: 21.5% full contribution rate. No maximum contribution base. Minimum contribution base applied.

Employer: Half of the contribution rate in percentage of the payroll. (additional contributions for periods if insurance counted in extended duration for those employers who have the arduous and unhealthy jobs included in performance of their business activity.)

Employee: Another half of the contribution rate in percentage of the gross salary/wage.

Self-contributors: All self-employed persons, the full contribution rate (employer's and employee's) from the insurance base defined or chosen.

Croatian Pension Insurance Institute: revenues from dividends, interests and from other investments. (The assets of the Institute are, besides moveables and money, the stocks and shares of companies.)

Government from the State Budget: covers the entire or the respective part of the costs of pensions benefits granted under more favourable conditions. Provides loans to Pension Insurance Institute for reaching the liquidity. Covers half of the contribution rate for the insurance of self-employed farmers if they are insured according to the insurance base defined (not if they are insured according to a higher insurance base chosen).

Note: On the account of the introduction of the second pillar contribution rate from 1 July 2000, the first pillar contribution to the generation solidarity scheme will be lowered to insured persons who will be under the age of 40 on that day and, based on that, subject to additional compulsory insurance for old age. The same will apply to persons between the ages of 40-50 who would choose the possibility of such additional insurance. The income deficit caused in this way in the generation solidarity system will be covered from the State Budget.

D. Qualifying conditions

The acquisition of all pensions depends, besides the age conditions, on qualifying (mostly insurance) periods completed, except of disability benefits and pensions acquired on the basis of occupational injury or disease, for which it is sufficient to have the insurance status at the time of contingency. No means tested benefits nor benefits conditional upon the residence or citizenship, but there is a protection in the form of minimum pension and a restriction in the form of the maximum pension.

Old-age pension: Age 65 (men) or 60 (women) and 15 years of qualifying periods. (Transitional period from 1999 to 2007 - by adding six months of age and by decreasing parallely the minimum qualifying period condition for six months per calendar year, in relation to qualifying conditions under the legislation applicable until 31 December 1998: Age 60 (men) or 55 (women) and 20 years of qualifying periods; age 65 (men) or 60 (women) and 15 years of insurance periods; 40 years (men) or 35 (women) of qualifying periods regardless of age.)

Anticipatory pension: Age 60 and 35 years of qualifying periods (men), or age 55 and 30 years of qualifying periods (women). (Transitional period from 1999 to 2007 - by adding six months of age per calendar year in relation to qualifying conditions under the legislation applicable until 31 December 1998: Age 55 and 35 years of pensionable periods (men) or age 50 and 30 years of pensionable periods (women).)

Disability benefits: Disability - permanent reduction or loss of the ability to work which may be caused by a non-occupational injury or disease, or by an occupational injury or disease. No special work injury scheme - the benefits based upon the occupational injury or disease are granted from the first pillar general pension scheme under more favourable conditions. Occupational disability - permanent reduction of the capacity to work for more than one half as compared to physically and mentally healthy person of the same or similar education and capacity, caused by changes in health that can not be cured. Residual ability to work entitlements: occupational rehabilitation or disability pension for occupational disability. General disability - permanent loss of the ability to work due to changes in health which can not be cured. General disability entitlement: general disability pension. The disability is assessed by authorized medical experts. The control cheque is to be undertaken every 4 years.

Residual ability to work entitlements: occupational rehabilitation and salary compensation until the employment in another adequate job, or during an unemployment period of 12 months after the completion of occupational rehabilitation (24 months if disability is caused by an occupational injury or disease). Disability pension for occupational disability to work - in full amount if the disabled person is unemployed, in decreased amount if he or she is employed; in higher amount if the disability was caused by occupational injury or disease, also depending on the fact if the disabled worker is employed. Further explanations under the following title "Disability pension" and under the title "Calculation of benefits" (pension factor).

Disability pension: granted on the basis of occupational or general disability which occurred prior to the age of 65 (men) or 60 (women), if at least one third of working life period is covered by qualifying periods (more favourable conditions for persons under the age of 30 or 35). Working life period - the full number of years between the age of 20 (23 for persons with post-secondary qualifications, 26 for persons with university qualifications) until the day of disability. Disability pension due to occupational injury or disease - the entitlement is not conditional upon the length of qualifying periods completed.

Compensation allowance in case of physical damage: Physical damage is defined as the loss or a serious injury of an organ or a body part, regardless of the fact whether it led to disability or not. The entitlement to compensation allowance may be acquired if the physical damage of at least 30% is the consequence of an occupational injury or disease. The entitlement is acquired in course of the insurance (employment or self-employment) and utilized for a lifetime; it does not depend on qualifying periods completed.

Survivors' pension: Deceased was a pension or occupational rehabilitation beneficiary, or insured person who had completed at least 5 years of insurance or 10 years of qualifying periods, or who had met the disability pension requirements in respect of the length of qualifying periods completed. If the death is a consequence of occupational injury or disease - no minimum qualifying period is required. Eligible survivors: widow or widower aged 50, or caring for children entitled to survivors' pension, or disabled; widow aged 45 acquires the entitlement upon reaching 50. Divorced spouse under conditions mentioned, if entitled to alimony. Children until the age of 15, or until 18 if unemployed, until the age of 26 if in regular education; for lifetime if disabled. Children: marital, extramarital and adopted; but

were supported by the deceased. (Survivors' pension for double orphans: see pension factor under the title "Calculations of benefits".)

E. Benefits payment

Benefits are paid in monthly rate, retroactively for the preceding month. Except for occupational disability pension and the compensational benefit in case of physical damage, pension benefits are not payable to persons entitled during their engagement in employment or self-employment activity which is the insurance status title. All benefits are payable abroad under the terms of reciprocity or in accordance with an international agreement, and no payment or benefit level restrictions are applied.

F. Qualifying periods

Qualifying periods: periods of insurance, insurance of military persons, purchased periods under special conditions, periods of service in Homeland War, periods of employment in Catholic theological schools, periods completed by 31 December 1998 recognized according to the former legislation as qualified periods.

Periods of insurance: periods of full-time employment and/or of self-employment activity, completed after attaining the age of 15, periods of extended insurance, periods completed on sick-leave or on occupational rehabilitation; under the condition that contributions are paid. Full-time employment: 42 hours per week. Part-time employment, seasonal and temporary employment hours are recalculated to full-time employment hours under special conditions.

G. Calculation of pensions and link between the first and second pillar

The relation between the regular and the basic pension form the first pillar - three situations given below.

1. Regular pension (old-age, anticipatory, disability and survivors' pension) is payable on the basis of periods if insurance completed in the first pillar, while the person was not simultaneously additionally insured in the second pillar. The periods mentioned comprise those completed up to the day of the introduction of the second pillar insurance, that is up to 30 June 2000, and after that date only if the person concerned is not subject to compulsory insurance under the second pillar (older than 40 or 50), that is, if he or she would complete the whole working life period being insured only in the first pillar. Such person will be granted only the regular pension from the first pillar pension insurance.

2. Persons insured in the first pillar up to 30 June 2000, who will be subject to additional compulsory second pillar insurance from 1 July 2000, will be granted the old-age and anticipatory pension composed from three different sums: (a) the regular first pillar pension for periods completed after 1 July 2000; (b) basic pension from the first pillar for periods completed after 1 July 2000; and (c) the additional second pillar pension based on individual capitalization system. In case of disability or the entitlement to survivors' pension after the death of the insured person, the funds accumulated in the individual second pillar account will be transferred to the first pillar, and the person concerned will be granted only the regular disability or survivors' pension from the first pillar insurance - as though all contributions have been paid only to the first pillar insurance.

then the basic pension from the first pillar will be payable along with the second pillar pension, instead of the regular first pillar disability or survivors' pension.

3. Persons who will enter in employment for the first time on 1 July 2000 or after, and who will be compulsorily insured under both pillars during the whole working life period, will be granted the old-age and anticipatory pension composed of two sums: (a) basic old-age or anticipatory pension from the first pillar; and (b) additional pension from the second pillar. Regular first pillar pension will be payable exclusively in case of disability or entitlement to survivors' pension after the death of the insured person, due to the transfer of funds from the second pillar individual account to the first pillar fund - Croatian Pension Insurance Institute, as though all the contributions have been paid only to that fund. Nevertheless, such regular pension will be payable only if the first pillar basic pension aggregated to the second pillar additional pension would result in an amount more favourable to the beneficiary.

It is obvious from the aforementioned that the first pillar regular and basic pension are two different and exclusive pension categories, and that the first pillar basic pension will be granted only along with the second pillar additional pension, while the regular first pillar pension will not be payable parallel to a second pillar pension, based on the same period of insurance completed. It also comes out that there is a tendency of slow disappearance of the regular first pillar old-age and anticipatory pension on the account of the first pillar basic old-age and anticipatory pension, as combined with the additional second pillar pension.

Regular pension (old-age, anticipatory, disability and survivors')

Pensions are defined in monthly rates. The amount depends on the length of qualifying periods completed, except for disability and survivors' pension acquired on the basis of occupational injury or disease. The amount also depends on the level of salaries/wages earned as related to the average salary/wage of all employed persons.

Pension formula: personal points x pension factor x actual value of pension.

Personal points = average value points x total of qualifying periods x initial factor.

Average value points = total of value points divided by the respective period.

Value points = gross or net actually earned salary/wage in calendar year divided by the gross or net average annual salary/wage of all employed persons for the same year. Value points are determined in the way described for insurance periods from 1 January 1970, and for insurance periods completed by 31 December 1969 the average value points are taken. Value point = 1, if the insured person has earned the annual salary/wage equal to the average salary/wage of all employed persons in the same calendar year. As the pension base for calculation of the amount of pension was determined according to regulations being in force by 31 December 1998 on the basis of the most favourable 10 years earning period, the new Act on Pension Insurance provides for transitional period from the year 2000 to 2009 by adding to the most favourable period of 10 years applicable in 1999 the 3 earning years per every calendar year, so that in the year 2009 value points will be determined on the basis of 40 years of insurance, and after that year on the basis of the full insurance period completed. Where the whole qualifying period is completed in terms of years, months and days, it will be expressed by adding to the number of years the 0.0834 for each additional month and the 0.00274 for each additional day (decimal parts of the year).

The initial factor depends on the age of insured person and it determines the degree to which value points are taken for calculation of monthly amount of a pension. Initial factor = 1, for old-age, disability and survivors' pension if the deceased person was insured person. In fact, in relation to listed pensions it functions as if it does not apply, because its only purpose is to define the amount of the anticipatory pension: the initial factor for anticipatory pension is reduced for 0.3% for every calendar month of anticipation (3.6% for every year of anticipation = 18% for maximum of 5 years).

Personal points for disability pension awarded on the basis of occupational injury or disease are determined by value points for at least 40 years of qualifying periods. The same applies to survivors' pension if the death of insured person was the consequence of occupational injury or disease. Personal points for survivors' pension if the deceased was insured person at the time of the contingency are determined on the basis of value points for at least 21 years of qualifying periods. Survivors' pension after the death of beneficiary is determined from the monthly amount of pension payable on the day on which death occurred.

Pension factor: (1) for old-age, anticipatory and disability pension based on general disability for work - 1.0; (2) for disability pension based on occupational disability - 0.6667, and if the beneficiary is employed - 0.3333, but if the occupational disability is caused by an occupational injury or disease and the beneficiary is employed - 0.5; (3) for survivors' pension it depends on the number of persons entitled - from 0.7 for one family member to 1.0 for four and more family members. Survivors' pension for double orphans: pension factor is applied to totalized pensions of both deceased parents.

Actual value of pension is the amount of pension determined for one personal point. It will be determined by the Management Board of the Pension Insurance Institute on 1 January and on 1 July of every year on the basis of the statistical data, in the form of the adjustment rate which results from adding up of the half of the changes in the cost of living rate compared to the preceding half-year period, and of the one half of the rate of change in average gross salary of all employees in the preceding half-year period as compared to the half-year period before it. It is used both for the adjustment of pensions in the process of their calculations to the day of the beginning of the entitlement, and for the indexation of already acquired pensions and other pension benefits.

Hypothetical periods for the purpose of the calculation of the pension amount: Additional periods for the purpose of calculation of the disability or survivors' pension amount (for persons under the age of 60): from the date of disability for disability pension, or from the date of death for survivors' pension, until the age of 55 - two thirds of this period; and from the age of 55 to the age of 60 - one half of this period.

Additional periods for the purpose of calculation of the old-age or anticipatory pension amount for women up to the maximum of 40 years of qualifying periods in a transitional period from 1999 to 2003, starting with the maximum of 5 additional years in 1999, and gradually lowering the additional years to maximum of one year in 2003.

Minimum pension: Pension beneficiary will be entitled to minimum pension if his or her regularly determined pension is lower than the amount of minimum pension. Minimum pension is defined for every year of qualifying period in the amount of 0.825% of the average gross salary of all employees in the year of 1998. The amount defined will be increased in the same percentage as the actual value of pension. From 1 July 1999 the value of the minimum pension per one year of the qualifying period is 35.39 HRK. The amount of the minimum pension is calculated as follows: qualifying period x value of the minimum pension per qualifying year x pension factor. If the disability

caused by the occupational injury or disease. It is adjusted in the same way as all other pension benefits. Persons who are not eligible: beneficiaries of the occupational disability pension while in employment or self-employment (pension factor 0.3333).

Maximum pension: It is regulated by special law which complements the Pension Insurance Act. The amount is not limited, it depends on the length of qualifying periods completed. The limitation refers only to the amount of the average value point defined by the law - 3.8 per year of the qualifying period completed, so the amount of the maximum pension of beneficiaries who have earned fairly high salaries/wages would be lower to those who have completed less qualifying periods than to those with more qualifying periods completed.

Pension calculation examples

1. Old-age pension, man. Entitlement from 1 January 1999. Age 61. Total of qualifying periods completed: 40 years, 2 months and 17 days in the period from 1957 to 1998.

Transitional period: in the year of 1999 the retirement age required is 60 years and 6 months for men; but in case of 40 years of qualifying periods completed, the retirement age required is 55 years and 6 months for men. 10-years most favourable earning period is still applied in the year of 1999.

Earnings history from 1 January 1970 to 31 December 1998 for the initial benefit

Year	Periods (months)	Hours of work	Annual wage/salary	Hours of sick leave	Total of hours	Average annual salary in Croatia	Annual value points
1970	12	2,343	3.67		2,343	1.51	2.4305
1971	12	2,452	6.07		2,452	1.88	3.2287
1972	12	2,380	7.79		2,380	2.21	3.5249
1973	12	2,383	8.64		2,383	2.50	3.4560
1974	12	2,407	9.93		2,407	3.15	3.1524
1975	12	2,380	11.40		2,380	3.89	2.9306
1976	12	2,200	9.27		2,200	4.52	2.0509
1977	12	2,032	9.56	152	2,184	5.37	1.9495
1978	12	2,058	17.54	126	2,184	6.52	2.8305
1979	12	1,564	12.03	630	2,194	7.89	2.2262
1980	12	1,930	18.91	178	2,108	9.57	2.1742
1981	12	2,066	28.65	126	2,192	13.00	2.3441
1982	12	2,192	39.23		2,192	16.57	2.3675
1983	12	2,184	49.25		2,184	20.78	2.3701
1984	12	2,191	75.96		2,191	29.64	2.5628
1985	12	2,192	112.11		2,192	52.07	2.1531
1986	12	2,192	246.76		2,192	109.19	2.2233
1987	12	2,192	462.67		2,192	224.12	2.0644
1988	12	2,192	1,422.56		2,192	617.08	2.3053
1989	12	2,184	22,904.27		2,184	9,871.20	2.3203

Year	Periods (months)	Hours of work	Annual wage/salary	Hours of sick leave	Total of hours	Average annual salary in Croatia	Annual value points
1991	12	2,192	283,494.80		2,192	96,540.00	2.9366
1992	12	2,201	1,114,794.00		2,201	400,080.00	2.7864
1993	12	2,192	18,452,587.00		2,192	6,316,260.00	2.9214
1994	12	2,191	32,674.60		2,191	14,964.00	2.1835
1995	12	2,184	41,161.37		2,184	21,816.00	1.8868
1996	12	2,133	88,588.51		2,133	38,916.00	2.2764
1997	12	2,191	98,684.06		2,191	44,016.00	2.2420
1998	12	2,191	102,667.37		2,191	49,572.00	2.0711

Total VP = 71,922

Although the insured person concerned has completed in total 40 years, 2 months and 17 days of qualifying periods from 1957 to 1998, the earnings period taken into account is 29 years - from 1970 to 1998. The average value points (VP) per year of insurance would be as follows:

$$\text{Average VP} = \frac{\text{total of VP}}{\text{earning period}} = \frac{71.922}{29} = 2.4801$$

but this average VP will be applied to entitlements awarded after the year 2009 - after the expiry of the transitional period. Instead of that, in the year 1999 the value of the most favourable average VP is used (10-years earning period, in this case: from 1970 to 1979):

$$\text{Most favourable average VP} = \frac{\text{total of VP (1970-1979)}}{\text{period applied}} = \frac{27.7802}{10} = 2.7780$$

The total qualifying period of 40 years, 2 months and 17 days is expressed as 40.2134 years (40 + (2 x 0.0834) + (17 x 0.00274)) - one month is expressed by the factor of 0.0834, and one day by the factor of 0.00274 (decimal parts of the year).

Actual value of the pension (AVP) is 35.16 HRK from 1 January 1999, and 36.51 HRK from 1 September 1999 after the indexation.

Personal points (PP) = qualifying periods x most favourable average VP x initial factor = 40.2134 x 2.7780 x 1 = 111.7128

Pension on 01.01.99 = PP x PF (pension factor) x AVP on 01.01.99 = 111.7128 x 1 x 35.16 = 3.927.82 HRK.

Pension on 01.07.99 after the indexation = PP x PF x AVP on 01.07.99 = 111.7128 x 1 x 36.51 = 4.078.63 HRK.

Now we will show, as an example, the way of checking if the minimum or maximum pension is payable on 01.07.99:

Maximum pension = VP = 3.8 per year of qualifying periods completed

The maximum pension is not payable to the person concerned because the normally calculated pension amount is below the amount of the maximum pension.

Minimum pension. The value of the minimum pension per qualifying year is 35.39 HRK from 01.07.99.
Minimum pension = the value of the minimum pension per 1 year x qualifying period x PF = 35.39 x 40 x 1 = 1,415.60 HRK for 40.2134 qualifying years.
(Note: Minimum pension is calculated on the basis of full years of the qualifying period completed, without the decimal part of the year-without months and days.)
The minimum pension is not payable to the person concerned because the normally calculated pension amount is higher than the amount of the minimum pension.

The following examples are also based on hypothetical most favourable average VP of 2.7780 per qualifying year.

2. Old age pension, woman. Entitlement from 1 January 1999. Age 56; 34 years of qualifying periods. (Transitional period: adding 5 years of insurance in 1999.)
Qualifying periods = 34 actually completed qualifying years + 5 years of additional periods (up to the maximum of 40 qualifying years) = 39 years
PP = 39 x 2.7780 x 1 = 108.342
Pension on 01.01.99 = 108.342 x 1 x 35.16 (AVP 01.01.99) = 3,809,30 HRK.
Pension on 01.07.99 (indexation) = 108.342 x 1 x 36.51 (AVP 01.07.99) = 3,955.57 HRK.

3. Anticipatory pension, man. Entitlement on 1 January 1999. Age 58; 38 years of qualifying periods. (Transitional period, men: in 1999 the age of 55 years and 6 months is required for the entitlement to anticipatory pension, and 60 years and 6 months of age is required for the entitlement to old-age pension; the result is 30 months of anticipation - the initial factor - which is defined as 1 for all other kinds of pensions - will be diminished for 0.3%, that is for 0.003, per month.
Initial factor = 1 - (0.003 x 30) = 1 - 0.09 = 0.91
PP = 38 x 2.7780 x 0.91 = 96.0632
Pension on 01.01.99 = 96.0632 x 1 x 35.16 (AVP 01.01.99) = 3,377.58 HRK.
Pension on 01.07.99 (indexation) = 96.0632 x 1 x 36.51 (AVP 01.07.99) = 3,507.27 HRK.

4. Disability pension, requirements same for men and women.
Birth day: 20 March 1951. Qualifying periods: 29 years, 1 month and 19 days. Date of disability: 5 January 1999. The working life period is counted from the age of 20 (in full years).
On the date of disability the person insured has reached the age of 47 years, 9 months and 15 days, so the working life period is counted in duration of 27 years. As the person concerned has completed 29 years of qualifying periods, the requirement of 1/3 of working life being covered by qualifying periods is satisfied (1/3 would be sufficient, that is 27 : 3 = 9 years). Additional periods: from the age attained on the day of contingency up to the fictive age of 55 - 2/3 of qualifying periods are added, and from the fictive age of 55 to the fictive 60 - 1/2 of qualifying periods is added. In this example the additional periods for the acquisition of disability pension amount 8 years, 5 months and 20 days, so the total of qualifying periods for the purpose of calculation of the amount of disability pension is 37 years, 7 months and 9 days, that is 37.6085 [37 + (7 x 0.0834) + (9 x 0.00274)]. Depending of the kind on disability pension, the pension factor (PF) shall vary:

(a) Disability pension based on general disability (PF = 1)
PP = 37.6085 x 2.7780 x 1 = 104.4764

(b) Disability pension based on occupational disability

(i) person is unemployed (PF = 0.6667)
Pension on 05.01.99 = 104.4764 x 0.6667 x 35.16 (AVP 01.01.99)
= 2,449.05 HRK.
Pension on 01.07.99 (indexation) = 104.4764 x 0.6667 x 36.51 (AVP 01.07.99)
= 2,543.08 HRK.
The amount of occupational disability pension represents the 2/3 of the general disability pension.

(ii) person is employed (PF = 0.3333)
Pension on 05.01.99 = 104.4764 x 0.3333 x 35.16 (AVP 01.01.99) = 1,224.34 HRK.
Pension on 01.07.99 (indexation) = 104.4764 x 0.3333 x 36.51 (AVP 01.07.99) = 1,271.35 HRK.

The amount of occupational disability pension for employed persons represents 1/2 of the occupational disability pension for unemployed persons because the beneficiary has the earning income at the same time. Also, it is the only kind of the pension which is payable besides the employment or self-employment.

5. Survivors' pension. After the death of the insured person. This example is based on the example shown under the paragraph 4 (a). We shall presume that the date of 5 January 1999 from the pervious example is the date of death (instead of the date of disability). The hypothetical pension which serves as the pension base for the calculation of the survivors' pension is the general disability pension (because the deceased did not attain the age required for the old-age pension). The number of personal points would be the same because the additional periods for the acquisition of disability pension are calculated in the same way as for the acquisition of the survivors' pension after the death of the insured person.

The pension factor (PF) depends on the number of survivors entitled: from 0.7 to 1. The pension would be determined in the range from 70% to 100% from the amount of disability pension shown in paragraph 4 (a).

Three survivors (the spouse and two children), but one child is employed, so only two survivors are entitled (the spouse and one child):
Pension on 05.01.99 = 3,673.39 HRK (general disability pension) x 0.8 (PF for two survivors) = 2,938.71 HRK.
Pension on 01.07.99 (indexation) = 3,814.43 HRK (general disability pension after the indexation) x 0.8 = 3,051.54 HRK.

If we presuppose that the spouse has entered in employment on 10 July 1999, or has acquired the entitlement to a personal pension (disability or old-age) from that day - he or she will no longer be entitled to the payment of the survivors' pension. Only one child is entitled from that day - one survivor - PF = 0.7
The hypothetical amount of the general disability pension in July 1999 - 3,814.43 HRK.
3,814.43 x 0.7 = 2,670.10 HRK for one survivor from 10 July 1999.

Basic pension (old-age and anticipatory)

This way of calculation of a first pillar pension will apply only in relation to periods of insurance during which a person was insured both in the first generation solidarity pillar and the second pillar based on individual capitalized savings, which will apply from 1 July 2000. Basic pension will represent the respective part of the old-age or anticipatory pension payable according to the Act on Pension Insurance, granted from the first pillar on the basis of qualifying periods completed after the introduction of the second pillar insurance, from which the second part of the pension will be payable at the same time, based on the additional contribution for the same periods of insurance. As the second pillar will produce the first benefits in some 15-20 years, the first basic pensions will appear at that time.

Basic pension = 0.25% of average gross salary of all employed persons in the preceding year for every year of qualifying periods completed after the introduction of the second pillar insurance + 0.25% of actual value of pension for personal points realized after the introduction of the second pillar insurance.

Disability and survivors' pension after the insured person's death will not be determined in the amount of basic pension but in the amount of the regular pension on the basis of full insurance period - as though all the contributions have been paid to the first pillar, and the contributions paid to additional compulsory pension insurance for old age will be transferred to the Pension Insurance Institute. However, if the first pillar basic disability or survivors' pension aggregated to the second pillar additional pension would result in an amount more favourable for the beneficiary, the first pillar pension payable will be the basic pension and not the regular pension.

Other benefits

Salary compensation in case of occupational rehabilitation. In the amount of disability pension in the event of occupational disability, but in the amount of disability pension for general disability as acquired on the basis of 40 years of qualifying period if the occupational disability is caused by occupational injury or disease.

Compensation allowance for physical damage. This allowance, as with the benefit granted on the basis of occupational injury or disease, does not depend on the length of qualifying periods completed. It depends on the degree of physical damage, according to which it is assessed in percentage from the base. The base is determined by general enactment of the Pension Insurance Institute.

Adjustment of benefits. Please see the actual value of pensions under the title "Calculation of benefits".

Administrative organization

General supervision: Ministry of Labour and Social Welfare.
Organization and management: Croatian Pension Insurance Institute is a public institution and has the status of legal person with public authority in respect of collection of contributions and giving pension insurance decisions. It submits reports on its work to the Ministry of Labour and Social Welfare, as well as to the Croatian State Parliament, to insured persons and to pension insurance beneficiaries, for at least once a year. The statute of the Institute was delivered by the Management Board, subject to the approval of the Croatian State Parliament. The Management Board has 13 members appointed by the Government for the period of four years: 7 members at the proposal of Ministry of Labour

Administrative activities are performed by the administrative service of the Pension Insurance Institute which consists of one central unit and of several local units.
Procedure: Two degrees procedure - right to appeal. Juridical protection: against the second degree decision of the Croatian Pension Insurance Institute - a possibility of suit at the Administrative Tribunal.
Guarantee in case of unliquidity: State budget

Croatian Pension Insurance Institute